

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 16<sup>th</sup> day of April, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Chapter 202 of the code of the Town of Hempstead to INCLUDE and REPEAL "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

HEWLETT  
Section 202-16

RAILROAD AVENUE (TH 59/19) East Side -  
90 MINUTE PARKING - starting from a  
point 72 feet north of the south  
termination north for a distance of  
368 feet.

OCEANSIDE  
Section 202-13

APKING STREET (TH 78/19) West Side -  
THREE HOUR PARKING 8 AM TO 8 PM EXCEPT  
SUNDAYS AND HOLIDAYS - starting at a  
point 62 feet north of the north  
curbline of Woods Avenue northeast to  
its termination.

FIRST STREET (TH 82/19) West Side - NO  
PARKING 8 AM TO 10 AM & 3 PM TO 4PM  
EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS  
- starting at a point 234 feet north of  
the north curbline of Mott Street north  
for a distance of 37 feet.

WEST HEMPSTEAD  
Section 202-20

MAPLEWOOD STREET (TH 71/19) East Side -  
30 MINUTE PARKING 7 AM TO 5 PM EXCEPT  
SUNDAYS AND HOLIDAYS - starting at a  
point 30 feet north of the north  
curbline of Hempstead Avenue then north  
for a distance of 139 feet.

MAPLEWOOD STREET (TH 71/19) East Side -  
FOUR HOUR PARKING 8 AM TO 4 PM EXCEPT  
SUNDAYS - starting at a point 169 feet  
north of the north curbline of  
Hempstead Avenue then north for a  
distance of 48 feet.

MAPLEWOOD STREET (TH 71/19) East Side -  
30 MINUTE PARKING 7 AM TO 5 PM EXCEPT  
SUNDAYS AND HOLIDAYS - starting at a  
point 19 feet south of the south  
curbline of Willets Avenue then south  
for a distance of 48 feet.

*Item# 1*  
*Case# 30090*

ALSO, to REPEAL from Chapter 202 "REGULATIONS AND RESTRICTIONS" to limit parking from the following locations:

BALDWIN  
Section 202-5

MERRICK ROAD - North Side - NO PARKING OR STANDING SUNDAYS - starting at a point 175 feet west of the west curbline of Harrison Avenue west for a distance of 113 feet. (Amended 8/10/54)

OCEANSIDE  
Section 202-13

APKING STREET (TH 365/81) West Side - ONE HOUR PARKING 8 AM TO 8 PM EXCEPT SUNDAYS AND HOLIDAYS - starting at a point 62 feet north of the north curbline of Woods Avenue northeast to its termination. (Adopted 1/26/82)

WEST HEMPSTEAD  
Section 202-20

BROAD STREET (TH 93/11) East Side - ONE HOUR PARKING 9 AM TO 9 PM EXCEPT SUNDAYS - starting at a point 224 feet south of the south curbline of Hempstead Turnpike south for a distance of 108 feet. (Adopted 6/14/11)

BROAD STREET (TH 93/11) East Side - ONE HOUR PARKING 9 AM TO 9 PM EXCEPT SUNDAYS AND HOLIDAYS - starting at a point 408 feet south of the south curbline of Hempstead Turnpike south for a distance of 115 feet. (Adopted 6/14/11)

BROAD STREET (TH 93/11) West Side - ONE HOUR PARKING 9 AM TO 9 PM EXCEPT SUNDAYS AND HOLIDAYS - starting at a point 144 feet south of the south curbline of Hempstead Turnpike south for a distance of 114 feet. (Adopted 6/14/11)

BROAD STREET (TH 93/11) West Side - ONE HOUR PARKING 9 AM TO 9 PM EXCEPT SUNDAYS AND HOLIDAYS - starting at a point 431 feet south of the south curbline of Hempstead Turnpike south for a distance of 100 feet. (Adopted 6/14/11)

MAPLEWOOD STREET (TH 492/92) East Side - 30 MINUTE PARKING 7 AM TO 5 PM EXCEPT SUNDAYS AND HOLIDAYS - starting at a point 30 feet north of the north curbline of Hempstead Avenue north to the south curbline of Willets Avenue. (Adopted 6/29/93)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 2, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 16<sup>th</sup> day of April, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 202-1 of the code of the Town of Hempstead to INCLUDE and REPEAL "PARKING OR STANDING PROHIBITIONS" at the following locations:

- |                           |                                                                                                                                                               |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (NR) BELLEROSE<br>TERRACE | 240 <sup>th</sup> STREET (TH 523/18) West Side - NO STOPPING HERE TO CORNER - starting at the south curbline of Ontario Road south for a distance of 18 feet. |
| INWOOD                    | ROOSEVELT AVENUE (TH 24/19) West Side - NO PARKING ANYTIME - starting at the north curbline of Mott Avenue north to the south curbline of Rhinehart Place.    |
| LEVITTOWN                 | SHELTER LANE (TH 62/19) East Side - NO STOPPING HERE TO CORNER - starting at the south curbline of Library Lane south for a distance of 31 feet.              |
| OCEANSIDE                 | 2 <sup>ND</sup> STREET (TH 77/19) East Side - NO STOPPING HERE TO CORNER - from the north curbline of Mott Street north for a distance of 30 feet.            |
|                           | 2 <sup>ND</sup> STREET (TH 77/19) West Side - NO STOPPING HERE TO CORNER - from the north curbline of Mott Street north for a distance of 30 feet.            |
|                           | OCEAN AVENUE (TH 88/19) West Side - NO STOPPING HERE TO CORNER - from the south curbline of Waukena Avenue south for a distance of 40 feet.                   |
|                           | SKILLMAN AVENUE (TH 63/19) East Side - NO STOPPING HERE TO CORNER - from the south curbline of Nantucket Lane south for a distance of 30 feet.                |

*Item # 2*  
*Case # 30091*

WEST HEMPSTEAD

BROAD STREET (TH 67/19) East Side - NO STOPPING ANYTIME - starting at the north curbline of Hempstead Avenue then north to the south curbline of Hempstead Turnpike.

BROAD STREET (67/19) West Side - NO STOPPING ANYTIME - starting at the north curbline of Hempstead Avenue then north to the south curbline of Hempstead Turnpike.

ALSO, to REPEAL from Section 202-1 "PARKING OR STANDING PROHIBITIONS" from the following locations:

(NR) BELLEROSE  
TERRACE

240<sup>th</sup> STREET (TH 523/18) West Side - NO STOPPING HERE TO CORNER - starting at the south curbline of Ontario Road south for a distance of 45 feet.  
(Adopted 1/22/19)

HEWLETT

RAILROAD AVENUE (TH 427/73) East Side - NO PARKING ANYTIME - starting from a point 72 feet north of the south termination north for a distance of 368 feet. (Adopted 3/5/74)

INWOOD

ROOSEVELT AVENUE (TH 24/19) West Side - NO STOPPING HERE TO CORNER - from the north curbline of Mott Avenue north for a distance of 30 feet.  
(Adopted 3/12/19)

OCEANSIDE

OCEAN HARBOR DRIVE (TH 533/18) South Side - NO PARKING ANYTIME - starting at a point opposite the north curbline of Shore Road west then going south for a distance of 180 feet. (Adopted 1/22/19)

WEST HEMPSTEAD

BROAD STREET (TH 93/11) East Side - NO STOPPING ANYTIME - starting at the south curbline of Hempstead Turnpike south for a distance of 224 feet.  
(Adopted 6/14/11)

BROAD STREET (TH 93/11) East Side - NO STOPPING ANYTIME - starting at a point 332 feet south of the south curbline of Hempstead Turnpike south for a distance of 76 feet. (Adopted 6/14/11)

BROAD STREET (TH 93/11) East Side - NO STOPPING ANYTIME - starting at a point 523 feet south of the south curbline of Hempstead Turnpike south for a distance of 117 feet. (Adopted 6/14/11)

BROAD STREET (TH 93/11) West Side - NO STOPPING ANYTIME - starting at the south curbline of Hempstead Turnpike south for a distance of 144 feet. (Adopted 6/14/11)

BROAD STREET (TH 93/11) West Side - NO PARKING ANYTIME - starting at a point 258 feet south of the south curbline of Hempstead Turnpike south for a distance of 173 feet. (Adopted 6/14/11)

BROAD STREET (TH 93/11) West Side - NO STOPPING ANYTIME - starting at a point 531 feet south of the south curbline of Hempstead Turnpike south to the north curbline of Hempstead Avenue. (Adopted 6/14/11)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 2, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 16<sup>th</sup> day of April, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 197-5 of the code of the Town of Hempstead to INCLUDE and REPEAL "ARTERIAL STOPS" at the following locations:

FRANKLIN SQUARE                      RUTGERS ROAD (TH 65/19) STOP - all traffic traveling southbound on Commonwealth Street shall come to a full stop.

WEST HEMPSTEAD                      SOUTH CHERRY VALLEY AVENUE (TH 72/19) STOP - all traffic traveling eastbound on Herbert Street shall come to a full stop.

SOUTH CHERRY VALLEY AVENUE (TH 72/19) STOP - all traffic traveling westbound on Herbert Street shall come to a full stop.

ALSO, to REPEAL from Section 197-5 "ARTERIAL STOPS" from the following locations:

EAST MEADOW                      POST STREET (TH 54/17) STOP - all traffic traveling northbound on McArthur Street shall come to a full stop. (Adopted 4/4/17)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 2, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

*Item # 3*  
*Case # 30092*

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 16<sup>th</sup> day of April, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 197-2 of the code of the Town of Hempstead to INCLUDE "U-TURNS PROHIBITED" at the following locations:

WANTAGH                      LUFBERRY AVENUE (TH 73/19) NO U-TURN -  
between Express Way and Gaston Street -  
all traffic traveling on Lufberry Avenue  
between Express Way and Gaston Street  
shall be prohibited from executing U-Turn  
maneuvers.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 2, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

*Item # 4*  
*Case # 30093*

NOTICE OF PUBLIC HEARING

**PLEASE TAKE NOTICE** that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule Law of the State of New York, as amended, a public hearing will be held in the Nathan L. H. Bennett Pavilion, Hempstead Town Hall, Town Hall Plaza, 1 Washington Street, Village and Town of Hempstead, New York, on Tuesday, April 16, 2019, at 10:30 A.M., to consider the repeal of the current chapter thirty-eight of the Code of the Town of Hempstead and other town board resolutions relating to ethics and adopt a new chapter thirty-eight of the code of the Town of Hempstead to be entitled "Code of Ethics".

The proposed local law is on file in the Office of the Town Clerk of the Town of Hempstead, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, where the same may be inspected during office hours.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 2, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
TOWN OF HEMPSTEAD, NEW YORK.

SYLVIA A. CABANA  
Town Clerk

LAURA A. GILLEN  
Supervisor

Item# 5

Case# 29745

Town of Hempstead

A Local Law to repeal Chapter Thirty-Eight of the Code of the Town of Hempstead and other Town Board Resolutions relating to ethics and enact a new Chapter Thirty-Eight of the Code of the Town of Hempstead, to be entitled Code of Ethics

Introduced by: Councilman Blakeman

Be it enacted by the Town Board of the Town of Hempstead as follows:

§ 1.

Article 18 of the General Municipal Law establishes standards of conduct for the officers and employees of a town and prohibits them from having certain conflicts of interest. Section 806 of the General Municipal Law requires the governing body of each town to adopt an Ethics Code that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them. A Code of Ethics adopted by the governing body of a town must set forth standards of conduct for the guidance of the officers and employees of the town with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable. The Town Board previously adopted Chapter 38, but is aware that other resolutions relating to ethics were not previously repealed or incorporated into the existing Chapter 38, to wit: Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990. Further, our Town’s ethics counsel advises us that the current Chapter 38 is not a comprehensive statement of the municipal ethics principles and standards of conduct applicable to municipal officers and employees. Rather than address the current Chapter 38 clause by clause, the Board believes, to avoid inconsistencies, it is preferable to repeal the existing Chapter 38 and other previous Town Board resolutions relating to ethics, and adopt this new, clearer and more comprehensive Chapter 38 of the code of the Town of Hempstead.

§ 2.

The current Chapter 38 of the Code of the Town of Hempstead is hereby repealed, and Town Board Resolutions 1718-1963, 1889-1974, and 1590-1990 are also repealed. The new Chapter 38 “Code of Ethics” is hereby enacted, and shall read as follows:

Chapter 38

Code of Ethics

Article I – General Provisions

- §38-1. Purpose.
- §38-2. Definitions.
- §38-3. Applicability.

Article II – Code of Conduct

- §38-4. Use of Town Position for Personal or Private Gain.
- §38-5. Prohibited Business and Professional Dealings and Contracts.
- §38-6. Recusal.
- §38-7. Prohibition Inapplicable; Recusal and Disclosure Not Required.
- §38-8. Investments in Conflict with Official Duties.
- §38-9. Secondary Employment in Conflict with Official Duties.
- §38-10. Future Employment.
- §38-11. Independent Contractors.
- §38-12. Personal Representations and Claims Permitted.
- §38-13. Use of Town Resources.
- §38-14. Nepotism.

- §38-15. Political Solicitations.
- §38-16. Use of Town Position to Infringe or Punish Free Speech.
- §38-17. Confidential Information.
- §38-18. Gifts, Tips and other Benefits.
- §38-19. Inducement of Others.
- §38-20. Criminal Convictions.

Article III – Disclosure

- §38-21. Particular Matter Disclosure.
- §38-22. Disclosure of Interests in Town Contracts.
- §38-23. Applicant Disclosure in Land Use Applications.
- §38-24. Annual Financial Disclosure.

Article IV – Board of Ethics.

- §38-25. Board of Ethics
- §38-26. Powers and Duties of the Board of Ethics.

Article V - Miscellaneous

- §38-27. Existing Rights and Remedies.
- §38-28. Posting and Distribution.

**ARTICLE I.  
GENERAL PROVISIONS**

**§ 38-1. Purpose.**

Officers and employees of the Town of Hempstead hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town of Hempstead recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Chapter establishes those standards.

**§ 38-2. Definitions.**

- (a) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an area of the Town, or a lawful class of such residents or taxpayers. A Town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, registered domestic partner or dependent, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s equity or debt, whether in the form of outstanding stock or otherwise.
- (b) “Relative” means a spouse, child, stepchild, parent, stepparent, grandparent, grandchild, sibling or stepsibling, niece, nephew, aunt, uncle or first cousin of a Town officer or employee.

**§ 38-3. Applicability.**

- (a) This Chapter applies to all officers and employees of the Town of Hempstead, whether paid or unpaid, including the members of any Town department, agency, board or commission.
- (b) Article II, Section 38-10 (Future Employment) of this Chapter applies to current and former officers and employees of the Town.
- (c) Article II, Section 38-11 (Independent Contractors) of this Chapter applies to independent contractors of the Town.
- (d) Article II, Section 38-12 (Personal Representations and Claims Permitted) and Article II, 38-18 (Inducement of Others) of this Chapter applies to officers and employees of the Town and independent contractors of the Town.
- (e) Article III, Section 38-23 of this Chapter (Applicant Disclosure in Land Use Applications) applies to applicants, petitioners or parties requesting a variance, amendment, change of zoning,

approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the zoning and planning regulations of the Town.

(f) The provisions of this Chapter shall supplement all applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, article 18 of the General Municipal Law and all related rules, regulations, policies and procedures of the Town of Hempstead.

(g) The termination of an officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Board of Ethics or the Town Board with respect to the requirements imposed by this Chapter on the former officer or employee for his or her actions or interests while a Town officer or employee.

## ARTICLE II. CODE OF CONDUCT

### § 38-4. Use of Town Position for Personal or Private Gain.

No Town officer or employee shall use his or her Town position or official powers and duties to secure a material benefit, whether financial or otherwise, for

- (a) Himself or herself,
- (b) A Relative, dependent or member of his or her household,
- (c) Any private organization in which he or she has an Interest,
- (d) A person from whom the officer or employee has received a private loan or loans, or a gift or gifts, having an aggregate value of seventy five dollars (\$75.00) or more during the previous twelve months.

### § 38-5. Prohibited Business and Professional Dealings and Contracts.

- (a) Except as provided in Section 38-12 of this Chapter, no Town officer or employee whether paid or unpaid, shall accept or retain other employment, engage in any business transactions, make or retain any investments, have any financial interest, or engage in other activities that directly or indirectly create a conflict with his or her official duties.
- (b) Without limitation to the foregoing, no Town officer or employee shall have an Interest in any contract with the Town, when such officer or employee, individually or as a member of a board or commission, has the power or duty, whether or not exercised, to:
  - (1) Negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
  - (2) Audit bills or claims under the contract, or
  - (3) Appoint an officer or employee who has any of the foregoing powers or duties.
- (d) For the purposes of this Section, the term "contract" means any claim, account or demand against or agreement with the Town, express or implied.
- (e) Notwithstanding the foregoing, for the purposes of this Section, the term "contract" shall not include:
  - (1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of Town funds except when the chief fiscal officer, treasurer, or his deputy or employee, has an Interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the Town would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated;
  - (2) A contract with a person, firm, corporation or association in which a Town officer or employee has an Interest which is prohibited solely by reason of his or her status as an officer or

employee thereof, if the compensation from such employment will not be directly affected as a result of the contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of the contract;

- (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;
- (4) The purchase by the Town of real property or an Interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the Town Board;
- (5) The acquisition of real property or an Interest therein, through condemnation proceedings according to law;
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to Section 60.10 of the Local Finance Law
- (8) A contract in which a Town officer or employee has an Interest if such contract was entered into prior to the time he or she was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;
- (9) A contract with a corporation in which a Town officer or employee has an Interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (10) A contract for the furnishing of public utility services at rates or charges that are fixed or regulated by the public service commission;
- (11) A contract for the payment of a reasonable rental of a room or rooms owned or leased by a Town officer or employee, used in the performance of his or her official duties, and designated as an office or chamber;
- (12) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
- (13) A contract in which a Town officer or employee has an Interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an Interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars.
- (14) A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an Interest, provided the member discloses such Interest to the council and the member does not vote on the contract.

#### **§ 38-6. Recusal.**

No Town officer or employee shall participate in any decision or take any official action requiring the exercise of discretion, including discussing, deliberating or voting on a matter, when he or she knows or has reason to know that the action may confer a direct material, financial or other benefit on a person or entity specified in Section 38-4 of this Chapter.

#### **§ 38-7. Prohibition Inapplicable; Recusal and Disclosure Not Required.**

(a) The requirements relating to recusal set forth in Section 38-6 of this Chapter, and the disclosure requirements set forth in Article III of this Chapter, shall not apply with respect to the following matters:

- (1) Adoption of the Town's annual budget;
- (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a similarly situated class of such people:

- (i) All or substantially all Town officers or employees;
  - (ii) All or substantially all residents or taxpayers of the Town or an area of the Town; or
  - (iii) The general public; or
  - (iv) Any ministerial matter (a matter that does not require the exercise of discretion).
- (3) Uncompensated participation by a member of the Town Board, or by a Town Board member's staff on behalf of such member, in public advocacy whether or not on behalf of a constituent.
- (4) Appearance by a Town employee before a Town department, agency, board or commission in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by the employee organization.
- (5) Uncompensated participation in public advocacy by a Town officer or employee who serves as a political party chairperson.
- (b) Recusal shall not be required, but disclosure pursuant to Article II of this Chapter shall be required, with respect to any matter:
- (1) Which comes before a board or commission when a majority of the entire membership of the board or commission would otherwise be prohibited from acting; or
  - (2) Which comes before a Town officer when the officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

**§ 38-8. Investments in Conflict with Official Duties.**

- (a) No Town officer or employee shall acquire or maintain any investment:
- (1) The ownership of which requires that the Town officer or employee frequently and inevitably recuse himself or herself; or
  - (2) That would impair his or her independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This Section shall not prohibit a Town officer or employee from acquiring or maintaining the following:
- (1) Real property located within the Town and used as his or her personal residence;
  - (2) Less than five percent of the stock of a publicly traded corporation; or
  - (3) Bonds or notes issued by the Town and acquired more than one year after the date on which the bonds or notes were originally issued.

**§ 38-9. Secondary Employment in Conflict with Official Duties.**

- (a) No elected Town official or Town employee serving as staff to the Board or to a Town Board member, shall receive or agree to receive, directly or indirectly, any compensation for consulting or advisory services in connection with any proposed local law or resolution of the Town Board.
- (b) No Town officer or employee shall ask for, pursue or accept secondary employment with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 30 days following final disposition of the matter.
- (c) No Town officer or employee, during his or her tenure as a Town officer or employee, shall engage in any secondary employment, or engage in any business, commercial, or professional activity, when the secondary employment or business, commercial or professional activity:

- (1) Involves duties that are incompatible with those of the official duties of the Town officer or employee;
  - (2) May be reasonably expected to require frequent and inevitable recusal;
  - (3) May be reasonably expected to require disclosure or personal use of confidential information gained by reason of serving as a Town officer or employee;
  - (4) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any Town department, agency, board or commission of which he or she is an officer, member or employee or of any Town department, agency, board or commission over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee;
  - (5) Pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services to be rendered in connection with any matter before any Town department, agency, board or commission, whereby his compensation is to be dependent or contingent upon any action by such department, agency, board or commission with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered; or
  - (6) Involves the representation of a person or organization other than the Town, or pursuant to which the officer or employee will receive, or enter into any agreement, express or implied, to receive compensation for services rendered in connection with any application, request, claim or proposal before any Town department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the Town is a party.
- (d) Notwithstanding the foregoing, in the absence of an actual conflict of interest, a person serving the Town or any agency thereof without compensation shall not be subject to the prohibitions set forth in subdivision (6) of this Section 38-9

**§ 38-10. Future Employment.**

- (a) No Town officer or employee shall ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board or commission, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No Town officer or employee, for the one-year period after serving as a Town officer or employee, shall appear before or communicate in any form with the Town office, board, department or comparable organizational unit for which he or she served, except:
  - (1) On behalf of the State or a political subdivision or instrumentality thereof;
  - (2) Uncompensated transitional consultation regarding the duties of his or her former Town office or position;
  - (3) In furtherance of the interests of the Town with the approval of the Board of Ethics upon application of the his or her former Town department, agency, board or commission;
  - (4) For a social or other purpose not involving the official business or affairs of the Town; or
  - (5) For the purpose of uncompensated advocacy on behalf of a person or entity not specified in Section 38-4 of this Chapter.
- (c) No Town officer or employee, at any time after serving as a Town officer or employee, shall represent or render services to a private person or organization in connection with any particular matter in which he or she personally and substantially participated while serving as a Town officer or employee, except on behalf of the State or a political subdivision or instrumentality thereof, or in furtherance of the interests of the Town with the approval of the Board of Ethics upon application of a Town department, agency, board or commission.

**§ 38-11. Independent Contractors.**

No independent contractor or employee of an independent contractor of the Town shall seek to exert undue influence, or to obtain an undue preference, on behalf of a private interest, directly or indirectly, in a matter before any Town department, agency, board or commission. A violation of this Section shall be cause for termination of the independent contractor's engagement with the Town.

**§ 38-12. Personal Representations and Claims Permitted.**

This code shall not be construed as prohibiting a Town officer or employee or an independent contractor of the Town from:

- (a) Seeking or accepting Town services, benefits, or the use of Town facilities, on the same terms and conditions as are available to Town residents or a class of similarly situated Town residents.
- (b) Representing, without compensation, himself or herself, a Relative, a dependent, or a member of his or her household before a Town department, agency, board or commission other than the one served by the Town officer, employee or independent contractor; or
- (c) Asserting a claim against the Town on his or her own behalf, or on behalf of a Relative, dependent or member of his or her household, unless the claim is prohibited by Section 38-5 of this Article, or by Section 801 of the General Municipal Law.

**§ 38-13. Use of Town Resources.**

- (a) Town resources shall be used only for lawful Town purposes. Town resources include, but are not limited to, Town personnel, compensated time, money, vehicles, equipment, letterhead, postage, printing services, materials, supplies or other property.
- (b) No Town officer or employee shall use or permit the use of Town resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) Any use of Town resources authorized by law, Town policy or collective bargaining agreement to which the Town is a party;
  - (2) The use of Town resources for personal or private purposes when provided to a Town officer or employee as part of his or her compensation; or
  - (3) The occasional and incidental use of Town telephones and computers for necessary personal, non-business matters such as family care and changes in work schedule.
- (c) Without limitation of the foregoing, no Town officer or employee shall use town resources for the following purposes:
  - (1) The sale or purchase of tickets to political events;
  - (2) The solicitation of membership or participation in a political party, committee or club;
  - (3) The solicitation of a contribution to an election campaign, political party, committee or club, or a political action committee; or
  - (4) The production or distribution of campaign materials or literature.
- (d) No Town officer or employee shall cause the Town to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

**§ 38-14. Nepotism.**

Except as otherwise required by law:

- (a) No Town officer or employee, either individually or as a member of a Town Board or commission, shall participate in any decision to appoint, hire, promote, discipline or discharge a Relative, dependent or a member of his or her household.
- (b) No Town officer or employee shall directly supervise a Relative, dependent or

member of his or her household in the performance of such person's official duties.

**§ 38-15. Use of Town Position to Induce or Reward Political Contributions.**

(a) No Town officer or employee shall directly or indirectly use his or her authority or official influence to compel or induce a subordinate Town officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No Town officer or employee shall act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any Town officer or employee, or an applicant for a position as a Town officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

**§ 38-16. Use of Town Position to Infringe or Punish Free Speech.**

No Town officer or employee shall use his or her Town position or official powers and duties to abridge the exercise of constitutionally protected speech, nor to retaliate for the exercise of constitutionally protected speech by a subordinate Town officer or employee, a Town independent contractor, or the officers, employees or agents of a Town independent contractor.

**§ 38-17. Confidential Information.**

(a) No current or former Town officer or employee shall disclose confidential information concerning the property, government or affairs of the Town or any other confidential information of an official character obtained as a result of Town employment except when disclosure is required by law or when such information is otherwise available to the public, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.

(b) No Town officer or employee shall directly or indirectly intercept or access an electronic communication sent or received by another Town officer or employee, except pursuant to the Freedom of Information Law or other statutory authority, a court order, a duly issued subpoena, or pursuant to an investigation authorized by the Town Attorney.

**§ 38-18. Gifts, Tips and other Benefits.**

(a) No Town officer or employee shall directly or indirectly solicit any gift or other benefit from a person who has received or sought a financial benefit from the Town within the previous twelve months.

(b) No Town officer or employee shall accept any gift or other benefit from a person who the Town officer or employee knows or has reason to know has received or sought a financial benefit from the Town within the previous twelve months.

(c) No Town officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.

(d) No Town officer or employee shall accept or receive any gift, tip or other benefit, or multiple gifts, tips or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:

(1) the gift, tip or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;

(2) the gift, tip or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or

(3) the gift, tip or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.

(e) For purposes of this Section, a "gift, tip or other benefit" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.

(f) Notwithstanding the foregoing, this Section shall not prohibit:

(1) Gifts made to the Town;

(2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient's status as a Town officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a Town officer or employee, or other service to the community; or

(6) Incidental meals and refreshments provided when a Town officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;

(7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a Town officer or employee serving in a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business;

(8) Gifts or benefits having a value of seventy five (\$75.00) dollars or less that are received by a marriage officer appointed by the Town Board pursuant to Section 11-c of the Domestic Relations Law and serving without salary or wage, for the solemnization of a marriage by the officer or employee.

(9) Contributions made in accordance with federal or state election law.

#### **§ 38-19. Inducement of Others.**

No Town officer, employee or independent contractor shall induce a Town officer, employee or independent contractor to violate, nor aid a Town officer, employee or independent contractor in violating, any of the provisions of this Chapter.

#### **§ 38-20. Criminal Convictions.**

(a) No person convicted of a felony, or a misdemeanor involving a violation of his or her oath of office, shall hold Town elective office unless such conviction shall have been reversed or vacated; a certificate of relief from civil disabilities shall not be the basis for eligibility to hold Town elective office.

(b) No appointed officer of the Town shall continue in service after having been convicted of a felony, or a misdemeanor involving a violation of his or her oath of office, except as provided herein.

(c) No employee of the Town shall continue in service after having been convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in Corrections Law §753.

(d) No independent contractor of the Town shall continue in service after having been convicted of a crime that is directly related to the Town engagement, or that would involve an unreasonable

risk to property or to the safety or welfare of specific individuals or the general public, as determined by the appointing authority upon consideration of the factors set forth in Corrections Law §753.

(e) A former employee of the Town convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall be eligible for reinstatement if such conviction shall have been reversed or vacated, or upon consideration of the factors set forth in Corrections Law §753.

(f) A former independent contractor of the Town convicted of a crime that is directly related to the employment held by the individual, or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public shall, in the discretion of the appointing authority, be eligible for reinstatement if such conviction shall have been reversed or vacated, or upon receipt of a certificate of relief from civil disabilities.

### ARTICLE III. DISCLOSURE

#### § 38-21. Particular Matter Disclosure.

Whenever a Town officer or employee is required to recuse himself or herself under the Chapter, he or she: (1) shall promptly inform his or her department head, if any, and the Town Attorney; and (2) shall promptly file with the Town Clerk a signed statement disclosing the reason for recusal or, if a member of a board or commission that maintains a public record of its proceedings, shall promptly state that information upon the public record of the board or commission.

#### § 38-22. Disclosure of Interests in Town Contracts.

(a) Where a Town officer or employee, or his or her spouse, knows that he or she has or will have an Interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the Town, the officer or employee shall publicly disclose the nature and extent of that Interest in writing to his or her department head and to the Town Attorney as soon as he or she has knowledge of the actual or prospective Interest.

(b) For purposes of this disclosure requirement:

(1) The term "contract" shall mean any claim, account or demand against or agreement with the Town, express or implied; and

(2) A Town officer or employee shall be deemed to have an Interest in the contract of his or her Relative, dependent or household member, and any private organization when he or she, or his or her Relative, dependent or household member is an owner, partner, member, director, officer, employee, individually or in the aggregate, directly or indirectly owns or controls more than 5% of the organization's equity or debt, whether in the form of outstanding stock or otherwise.

#### § 38-23. Applicant Disclosure in Land Use Applications.

(a) Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any local law, rule or regulation constituting the zoning and planning regulations of the Town shall state the name, residence, and the nature and extent of the interest of any officer of the state, or any officer or employee of the County of Nassau, or of the Town, in the person, partnership or association making the application, petition or request to the extent known.

(b) For the purpose of this disclosure requirement, an officer or employee shall be deemed to have an interest in the applicant when he or she, his or her spouse, domestic partner, or their brothers, sisters, parents, children grandchildren, or the spouse of any of them:

(1) Is the applicant, or

(2) Is an officer, director, partner, or employee of the applicant, or

(3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a limited liability company, partnership, or association applicant (except that ownership of less than

five percent of the stock of a publicly traded corporation shall not constitute an interest for the purposes of this disclosure requirement, or

(4) Is a party to an agreement with such an applicant, express or implied, whereby he or she will receive any payment or other benefit, whether or not for such services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

**§ 38-24. Annual Financial Disclosure.**

(a) Persons required to file annual statements of financial disclosure. The following Town Officers and Employees (“individually and collectively, “Reporting Person”) shall file an annual statement of financial disclosure with the Board of Ethics:

- (1) Elected Town officials,
- (2) Department heads, deputy department heads, and division heads,
- (3) Attorneys, engineers, architects, accountants, auditors and real estate agents employed by the Town,
- (4) Code enforcers, licensed inspectors, licensed inspector trainees, and investigators
- (5) Town Officers or Employees holding a policymaking position.
- (6) Candidates for elective Town office, and
- (7) Town political party chairs.

(b) Policymaking positions. For the purposes of this Section, a person shall be considered to hold a policymaking position if he or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a local agency or acts as an advisor to an individual in such a position. In determining whether a person holds a policymaking position, the following factors shall be considered, applied to the powers and duties of the position as set forth in the job description or any applicable law or regulation as well as the actual duties performed by the person:

- (1) Whether the position permits meaningful input into the governmental decision-making process on issues where there is room for principled disagreement on goals or their implementation;
- (2) Whether the powers and duties of the position are broadly defined and require more than the exercise of simple ministerial competence;
- (3) Whether the position permits the person to exercise control over other officers or employees;
- (4) Whether the position involves the establishment of priorities or the development of programs;
- (5) Whether the position requires or authorizes the conducting of studies or entails a significant degree of involvement in the preparation of budgets or budget requests for a local agency or municipality;
- (6) Whether the position authorizes the person to speak on behalf of local elected officials or other policymakers;
- (7) Whether the position entails frequent contact with local elected officials or their principal deputies.

(c) Form of statement.

- (1) All Reporting Persons shall file a disclosure statement in the form annexed hereto as Appendix A, as such form may be modified from time to time by resolution of the Town Board.
- (2) The Board of Ethics shall recommend any amendments to the forms of financial disclosure statement that it deems warranted or that may be required by law, and shall submit such recommended amendments, in the form of a resolution, to the Town Board for consideration.

(d) Time for filing.

(1) Reporting Persons other than candidates for elected Town office shall file financial disclosure statements with the Board of Ethics on or before May 15 of each year or, if later, on or before the thirtieth day following the commencement of Town service.

(2) Candidates for Town elective office shall file financial disclosure statements with the Board of Ethics within thirty days of nomination or designation pursuant to the applicable provisions of the Election Law.

(e) Designation of officers and employees required to file annual disclosure statements.

(1) No later than the last day of March of each year: (i) the Department of Human Resources shall cause to be filed with the Board of Ethics, with a copy to the Town Attorney, a list of the names and offices or positions of all officers and employees of the Town required to file annual disclosure statements pursuant to this Section 38-23(a)(1) through (4); and (ii) the Town Attorney shall notify all such officers and employees of their obligation to file an annual disclosure statement.

(2) No later than the last day of March of each year: (i) the Town Attorney shall cause to be filed with the Board of Ethics a list of the names and offices or positions of all Reporting Persons required to file annual disclosure statements pursuant to this Section 38-23(a)(5), (6) and (7); and (ii) the Town Attorney shall notify all such persons of their obligation to file an annual disclosure statement.

(3) Any person designated as a person required to file an annual disclosure statement solely by reason of holding of a policymaking position as that term is used in this Chapter, may apply to the Board of Ethics for reconsideration of his or her filing status and the Board of Ethics may, upon application or upon its own initiative, grant an exemption from filing based upon the criteria set forth herein.

(f) Maintenance and public inspection of disclosure statements. All statements filed with the Board of Ethics shall be available for public inspection and copying; except that:

(1) The Board of Ethics may, on its own initiative, to the extent permitted by the Freedom of Information Law (Article 6 of the Public Officers Law) withhold from public disclosure particular information, the disclosure of which would constitute an unwarranted invasion of personal privacy; or

(2) A Reporting Person may request that such information be withheld from public disclosure, and the Board of Ethics, in its discretion, may grant such request to the extent permitted by the Freedom of Information Law (Article 6 of the Public Officers Law).

(3) Upon receipt of a request made pursuant to the Freedom of Information Law for inspection or copying of an Annual Statement of Financial Disclosure ("Disclosure Statement") the Board of Ethics or its designee shall: Inform the filing person of the FOIL request; advise the filing person that the Board will delete from public disclosure the filing person's home address, the names of the filing person's dependent children, and the categories of amounts set forth on the Disclosure Statement; Permit the filing person to identify such other information set forth on the Disclosure Statement that the filing person believes would result in an unwarranted invasion of personal privacy if disclosed; Determine whether the Board has the discretion to deny access to the information so identified pursuant to Freedom of Information Law § 87(2) and, if so, whether the Board will exercise its discretion to do so, and Advise the filing person of its determination before making the Disclosure Statement available for inspection or copying.

(4) Disclosure Statement filed by a Town elected officer shall be published on the Town's website within thirty days of the date of filing, except that prior to such publication, the Board of Ethics or its designee shall: Inform the Town elected officer that the Disclosure Statement will be published on the Town's website; advise the Town elected officer that the Board will delete from public disclosure the Town elected officer's home address, the names of the Town elected officer's dependent children, and the categories of amounts set forth on the Disclosure Statement; Permit the Town elected officer to identify such other information set forth on the Disclosure Statement that the Town elected officer believes would result in an unwarranted invasion of personal privacy if disclosed; Determine whether the Board has the discretion to deny access to the information so identified pursuant to Freedom of Information Law § 87(2) and, if so, whether the Board will exercise its discretion to do so, and Advise the Town elected officer of its determination before

publishing the Disclosure Statement.

(g) Review of lists and disclosure statements.

(1) The Board of Ethics shall review:

(i) The lists of officers and employees required to file annual disclosure statements pursuant to this Chapter. The Board of Ethics shall add the name of any other officer or employee which the Board of Ethics determines should appear on the list and shall remove the name of any officer or employee which the Board of Ethics determines should not appear on the list.

(ii) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this Chapter.

(iii) All applicant disclosure statements.

(2) If the Board of Ethics determines that an annual disclosure statement, or a transactional disclosure statement is deficient or reveals a possible or potential violation of this Chapter, the Board of Ethics shall notify the person in writing of the deficiency, or possible or potential violation and of the penalties for failure to comply with this Chapter.

#### **ARTICLE IV. BOARD OF ETHICS**

##### **§ 38-25. Board of Ethics.**

(a) There is hereby established a Board of Ethics for the Town. The Board of Ethics shall consist of five members, one of whom shall be the Town Attorney, two of whom shall be nominated by the Majority Caucus subject to confirmation by the Town Board, one of whom shall be nominated by the Town Supervisor subject to confirmation by the Town Board, and one of whom shall be nominated by the Minority Caucus subject to confirmation by the Town Board. The members of the Board of Ethics shall reside in the Town. The members of the Board of Ethics shall receive no salary or compensation for their services as members of the Board of Ethics.

(b) The Board of Ethics shall meet at least once each quarter.

(c) The Town hereby exercises its authority under the Municipal Home Rule Law to supersede Section 808(2) of the General Municipal Law as follows. The members of the Board of Ethics other than the Town Attorney shall serve for fixed, staggered terms of four years; with the first members so appointed serving for terms of four years, three years, two years, and one year, respectively. With the exception of the Town Attorney, no member of the Board of Ethics shall otherwise be an officer or employee of the Town nor a Relative of Town officer or employee.

(d) No more than two members of the Board of Ethics shall be enrolled members of the same political party.

(e) The Board of Ethics shall elect a chairperson from among its members at the first meeting of each year.

(f) The Board of Ethics shall have the confidential advice of legal counsel appointed by the Town Board or, if none, the Town Attorney, and the services of a confidential secretary otherwise employed by the Town.

(g) Pursuant to the authority granted by Freedom of Information Law § 87, counsel to the Board of Ethics is designated as the person from whom Board of Ethics records may be obtained.

##### **§ 38-26. Powers and Duties of the Board of Ethics.**

(a) The Board of Ethics shall have the following powers and duties:

(1) To prescribe and promulgate rules of procedure for the discharge of its duties;

(2) To review, index, and maintain on file, and make available for public inspection and copying, lists of officers and employees required to file annual disclosure statements, particular matter disclosure statements, applicant disclosure statements, and annual disclosure statements filed with

the Board of Ethics pursuant to this Chapter;

- (3) To grant exemptions from filing annual statements of financial disclosure from persons designated as policymakers based on the criteria set forth in the Chapter;
  - (4) To grant exemptions from disclosure of identifying client or customer information to the extent permitted by the Freedom of Information Law (Article 6 of the Public Officers Law). In determining a request for such an exemption, the Board of Ethics may consider, among other things, such advisory opinion as the reporting individual may obtain from the applicable professional ethics authority. In addition, the Board of Ethics may consider the nature and size of the client or customer; the significance of the application, request, claim or interest in any proposal or matter before the Town; whether the disclosure may reveal trade secrets; whether disclosure may reasonably be expected to create a risk of retaliation against the client or customer; whether disclosure may cause undue harm to the professional relationship between the reporting person and the client or customer; and whether disclosure may result in an undue invasion of the privacy of the client or customer.
  - (5) To review, index, maintain on file, and dispose of sworn complaints and to make notifications and conduct investigations pursuant to this Chapter;
  - (6) To conduct hearings, recommend disciplinary action to the appointing authority, assess penalties, make referrals, and initiate appropriate actions and proceedings pursuant to this Chapter;
  - (7) To grant waivers pursuant to this Chapter;
  - (8) To render, index, and maintain on file advisory opinions pursuant to this Chapter;
  - (9) To provide ethics training and education to Town officers and employees;
  - (10) To prepare an annual report to the Town Board and recommend changes to this Chapter; and
  - (11) To provide for public inspection and copying of its records, subject to the terms and conditions set forth in this Chapter and in the Freedom of Information Law (Article 6 of the Public Officers Law).
- (b) Investigations.
- (1) Upon receipt of a complaint by any person alleging a violation of this Chapter, any applicable State or local law relating to conflicts of interest and municipal ethics including, but not limited to, article 18 of the General Municipal Law, or any related rule, regulation, policy or procedure of the Town of Hempstead, or upon determining on its own initiative that there are reasonable grounds for concluding that any such violation may exist, the Board of Ethics shall conduct such investigation as it deems necessary or appropriate to carry out the provisions of this Chapter.
  - (2) The Board of Ethics shall acknowledge receipt of all complaints that it receives, and shall proceed with reasonable promptness to conduct such investigations thereof as it deems necessary or appropriate.
  - (3) In conducting investigation, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of books or records that it deems relevant and material.
  - (4) Complainants shall be afforded such whistleblower protections as may be provided by law, to the extent applicable.
  - (5) The Board of Ethics shall state in writing the disposition of every complaint it receives and of every investigation it conducts and shall set forth the reasons for the disposition. All such statements and all complaints shall be indexed and maintained on file by the Board of Ethics.
  - (6) Any person filing a complaint with the Board of Ethics shall be notified in writing of the disposition of the complaint, to the extent permitted by law.
  - (7) All documents and hearings relating to the investigation and hearing of any alleged violation of this Chapter shall be confidential and not available for public inspection or open to the public,

except as otherwise required by this Chapter or by the Freedom of Information Law (Article 6 of the Public Officers Law). All dispositions, including negotiated dispositions, in which the Board of Ethics finds a violation of this Chapter shall be available for public inspection and copying.

(8) Nothing in this Section shall be construed to permit the Board of Ethics to conduct an investigation of itself or of any of its members or staff. If the Board of Ethics receives a complaint alleging that the Board of Ethics or any of its members or staff has violated any provision of this Chapter, or of any other law, the Board of Ethics shall promptly transmit a copy of the complaint to the Town Board, with a copy to the Town Attorney.

(c) Assessment of penalties; referral for prosecution.

(1) Civil fine. In its discretion after a hearing providing for due process procedural mechanisms, the Board of Ethics may assess a civil fine, not to exceed ten thousand (\$10,000) dollars for each violation, upon any Town officer, employee or independent contractor found by the Board of Ethics to have violated this Chapter. The civil fine shall be payable to the Town.

(2) Referral to Prosecutor. The Board of Ethics may refer to the appropriate prosecutor any matter that, in the judgment of the Board of Ethics, might involve criminal misconduct. Nothing contained in this Chapter shall be construed to restrict the authority of any prosecutor or the attorney general to prosecute a violation of this Chapter or of any other law. If such a referral is made, the Board of Ethics shall defer taking any further action in the matter pending a determination by the prosecutor that the matter will or will not result in a prosecution.

(d) Recommendation of other sanctions. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Board of Ethics may recommend that the Town Board impose one or more of the following sanctions:

(1) Disciplinary action. The Board of Ethics may recommend that the Town impose appropriate disciplinary action.

(2) Damages. The Board of Ethics may recommend that the Town initiate an action in the Supreme Court of the State of New York to obtain monetary damages.

(3) Civil forfeiture. The Board of Ethics may recommend that the Town initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York to obtain civil forfeiture.

(4) Debarment. The Board of Ethics may recommend that the Town initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York for an order of debarment.

(5) Injunctive relief. The Board of Ethics may recommend that the Town initiate an action or special proceeding, as appropriate, in the Supreme Court of the State of New York for injunctive relief to enjoin a violation of this Chapter or to compel compliance with this Chapter.

(e) Nothing in this Section shall be construed to permit the Board of Ethics to take any action with respect to any alleged violation of this Chapter, or of any other law, by the Board of Ethics or by any member or staff member thereof.

(f) Nothing in this Section shall be construed to permit the Board of Ethics to take any action which would violate the terms of any collective bargaining agreement to which the Town is a party.

(g) Waivers.

(1) Upon written application by a current or former Town officer, employee or independent contractor, and upon written approval by his or her department head, the Board of Ethics may grant the applicant, or his or her private employer or business, a waiver of any of the provisions of Sections 38-4 (Use of Town position for personal or private gain), 38-6 (Recusal), 38-8 (Investments in conflict with official duties), 38-9 (Secondary employment in conflict with official duties), 38-10 (Future employment), 38-14 (Nepotism), and 38-17(b) and (d) (Gifts) of this Chapter, where the Board of Ethics finds that waiving such provision would not be in conflict with the purposes and interest of the Town, provided, however, that no such waiver shall permit any conduct or interest otherwise prohibited by Article 18 of the General Municipal Law.

(2) Waivers shall be in writing, shall state the grounds upon which they are granted, and shall be available for public inspection and copying. All applications, decisions, and other records and proceedings relating to waivers shall be indexed and maintained on file by the Board of Ethics.

(h) Advisory opinions.

(1) Upon the written request of any current or former Town officer, employee or independent contractor inquiring about himself or herself, or upon the request of the head of a Town department, agency, board or commission inquiring about a person subject to his or her supervision, the Board of Ethics shall render a written advisory opinion with respect to the interpretation or application of this Chapter, any applicable State and local laws relating to conflicts of interest and municipal ethics including, but not limited to, article 18 of the General Municipal Law, and all related rules, regulations, policies and procedures of the Town of Hempstead, to the future or continuing conduct or interests of such Town officer, employee, independent contractor or his or her outside employer or business.

(2) Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Board of Ethics. The Board of Ethics shall publish such of its advisory opinions as it believes will provide guidance to other Town officers or employees, provided, however, that the publicly available copy of such opinions shall contain such deletions as may be necessary to prevent disclosure of the identity of the involved officers and employees. Advisory opinions and requests for advisory opinions shall otherwise be confidential and not available for public inspection or open to the public, except as required by this Chapter or by the Freedom of Information Law (Article 6 of the Public Officers Law).

(i) Training and education. The Board of Ethics:

(1) Shall make information concerning this Chapter available to the officers, employees and independent contractors of the Town, to the public, and to persons interested in doing business with the Town;

(2) Shall develop educational materials and an educational program on the provisions of this Chapter for the officers, employees and independent contractors of the Town, for the public, and for persons interested in doing business with the Town.

(3) The Town Board shall assist the Board of Ethics in the publication, posting, and distribution of a plain language guide and other ethics information and educational materials, including but not limited to posting such ethics information and educational material on the Town website, and in the development and presentation of ethics educational programs.

(4) Each Town officer and employee shall receive ethics training, in such form as determined by the Board of Ethics, within six months of the effective date of this Chapter or within six months of the commencement of Town service, if later; thereafter, all Reporting Persons as defined by Section 38-24 (Annual Financial Disclosure) of this Chapter other than candidates for Town elective office and Town political party chairs shall receive such ethics training at least biennially, and all other Town officers and employees shall receive such ethics training at least once every four years.

(j) Annual reports; review of ethics laws.

(1) The Board of Ethics shall prepare and submit an annual report to the Town Board summarizing the activities of the Board of Ethics. The report may also recommend changes to the text or administration of this Chapter.

(2) The Board of Ethics shall periodically review this Chapter and the administrative procedures promulgated by the Board of Ethics, to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear, reasonable and enforceable standards of conduct.

## ARTICLE V. MISCELLANEOUS

### § 38-27. Existing Rights and Remedies.

No existing right or remedy shall be lost, impaired, or affected by reason of this Chapter.

**§ 38-28. Posting and Distribution.**

(a) The Town Supervisor shall promptly cause a copy of this Chapter, and a copy of any amendment to this Chapter, to be posted publicly and conspicuously in each building under the Town's control. The code shall be posted within ten days following the date on which the code takes effect. Any amendment to this Chapter shall be posted within ten days following the date on which the amendment takes effect.

(b) The Town Supervisor shall promptly cause a copy of this Chapter, including any amendments to the code, to be distributed to every person who is or becomes an officer, employee or independent contractor of the Town.

(c) The failure to post this Chapter or any amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a Town officer or employee to receive a copy of this Chapter or an amendment to this Chapter does not affect either the applicability or enforceability of the code of ethics or amendment to the code.

**APPENDIX A**

**TOWN OF HEMPSTEAD  
ANNUAL STATEMENT OF FINANCIAL DISCLOSURE**

**REPORTING PERIOD: CALENDAR YEAR 20 \_\_\_\_**

**ALL QUESTIONS MUST BE COMPLETED.**

**1. NAME AND ADDRESS.**

\_\_\_\_\_  
Last Name                                      Middle Initial                                      First Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Department or Agency

\_\_\_\_\_  
Department or Agency Address                                      Telephone No.

\_\_\_\_\_  
Residence Address                                      Telephone No.

**2. SPOUSE AND CHILDREN.**

Provide the name of your spouse (if married) and the names of any dependent children: If none, place a check mark in the following box.

**none.**

\_\_\_\_\_  
Spouse                                      Child/Age

\_\_\_\_\_  
Child/Age                                      Child/Age

**NOTE: FOR QUESTIONS 3 TO 6. DO NOT REPORT EXACT DOLLAR AMOUNTS. INSTEAD, REPORT CATEGORIES OF AMOUNTS, USING THE FOLLOWING:**

- CATEGORY A: UNDER \$5,000
- CATEGORY B: \$5,001 TO UNDER \$10,000
- CATEGORY C: \$10,001 TO UNDER \$25,000

CATEGORY D: \$25,001 TO UNDER \$50,000  
 CATEGORY E: \$50,001 TO UNDER \$100,000  
 CATEGORY F: OVER \$100,000

**3. FINANCIAL INTERESTS.**

a. **Business Positions.** List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you and your spouse or your dependent children, if any, and indicate whether, to your knowledge, during the reporting period, these entities had any application, request, claim or interest in any proposal before a Town department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the Town is a party. If none, place a check mark in the following box.

none

Name of Family Member	Position	Organization	Town Department Agency and Nature or Involvement
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. **Outside Employment.** Describe any outside occupation, employment, trade, business, or profession providing more than \$1,000 per year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by any state or local agency. If none, place a check mark in the following box.

none

Name of Family Member	Position	Name, Address, and Description of Organization	State or Local Agency	Category of Amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

c. **Clients and Customers Doing Business with the Town.** Identify any client or customer: (i) from which you know that you, your outside employer, firm, limited liability company, partnership, association, or corporation in which you are the owner of more than five percent of the outstanding shares of corporate stock, derived income in excess of five thousand dollars (\$5,000), and (ii) that you know, during the reporting period, had any application, request, claim or interest in any proposal before a Town department, agency, board or commission, or any litigation, negotiations or matter requiring the exercise of discretion to which the Town is a party.

Do not identify any client or customer that received medical, pharmaceutical or dental services, or mental health services.

Do not identify any client or customer that received residential real estate services, other than services rendered in connection with a land use application.

Do not identify any client or customer represented in connection with an investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters.

Do not identify any client or customer represented pursuant to an insurance policy, but identify the source of compensation paid to you or the firm.

Do not disclose information prohibited from disclosure by federal or state law, such as information governed by the Family Court Act or the identity of any minor client or customer.

You may seek an exemption from the Board of Ethics in connection with the disclosure of identifying client or customer information.

If none, place a check mark in the following box.

**none**

Client or Customer	Town Application Claim, Request or Proposal	Amount of Income by Category
_____	_____	_____
_____	_____	_____
_____	_____	_____

d. **Future Employment.** Describe any contract, promise, or other agreement between you and anyone else with respect to your employment after leaving your Town office or position. If none, place a check mark in the following box.

**none**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e. **Past Employment.** Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement. If none, place a check mark in the following box.

**none**

Name and Address of Income Source	Description of Income (i.e., pension, deferred, etc.)	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

f. **Investments.** Itemize and describe all investments of you, your spouse, and your dependent children, if any, which have a value in excess of \$5,000, or that constitute five percent or more of the debt or equity of any business, limited liability company, partnership, association, or corporation. Include stocks, bonds, loans, pledged collateral, and other investments. Publicly traded corporate stock may be reported in the aggregate. List the location of all real estate within the Town of Hempstead or within five hundred feet of a boundary of the Town, in which you, your spouse, or your dependent children, if any, have an interest, regardless of its value. If none, place a check mark in the following box.

**none**

Name of Family Member	Name and Address of Business or Real Estate	Description of Investment	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

g. **Trusts.** Identify each interest of you, your spouse, and your dependent children in a trust or estate or similar beneficial interest in any assets in excess of \$2,000. Do not list IRS eligible retirement plans or interests in an estate or trust of a spouse, child, stepchild, dependent, parent, stepparent, sibling or stepsibling. If none, place a check mark in the following box.

**none**

Name of Family Member	Trustee/Executor	Description Trust/Estate	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

h. **Other Income.** Identify the source and nature of any other income in excess of \$1,000 per year from any source not described above, including fiduciary positions, teaching income, lecture fees, consultant fees, contractual income, rents or other income of any nature, or you, your spouse and your dependent children, if any. Income from real estate rents derived from real property located in the Town of Hempstead, or within five hundred feet of a boundary of the Town should be identified by the property address. Do not list maintenance, alimony or child support. If none, place a check mark in the following box.

**none**

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**4. GIFTS AND HONORARIUMS.**

List the source of all gifts aggregating in excess of \$250 received during the last year by you, your spouse or dependent child, excluding gifts from a Relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income. If none, place a check mark in the following box.

**none**

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**5. THIRD-PARTY REIMBURSEMENTS.**

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of \$250 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the Town of Hempstead for speaking engagements, conferences, or fact-finding events that relate to your official duties. If none, place a check mark in the following box.

none

Source	Description	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**6. DEBTS.**

Describe all debts of you, your spouse, and your dependent children in excess of \$5,000. Do not list any obligation to pay maintenance, alimony or child support. Do not list credit card debt or any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances. If none, place a check mark in the following box.

none

Name of Family Member	Name and Address of Creditor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

**7. INTEREST IN CONTRACTS.**

Describe any interest of you, your spouse, or your dependent children in any contract involving the Town of Hempstead or any municipality located within the Town. If none, place a check mark in the following box.

none

Name of Family Member	Contract Description
_____	_____
_____	_____
_____	_____

**8. POLITICAL PARTIES.**

List any position you held within the last five years as an officer of any political party, political committee, or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party. If none, place a check mark in the following box.

none

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**8. DISCLOSURE BY LICENSED PROFESSIONALS AND LOBBYISTS.**

a. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, give a general description of the principal subject areas of matters that you handled during the reporting period, the compensated services that you performed, and whether you personally provided services directly to clients. If none, place a check mark in the following box.

none

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b. If you were licensed to practice law, worked as a licensed real estate broker or agent, practiced a profession licensed by the New York State Education Department, or worked as a member or employee of a firm required by law to register as a lobbyist, and are a partner or shareholder in the firm or corporation that engaged in such activities, give a general description of the principal subject areas of matters that the firm or corporation handled during the reporting period. If none, place a check mark in the following box.

none

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I have received and read a copy of the Town of Hempstead Code of Ethics.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**DO YOU HAVE QUESTIONS ABOUT THE CODE OF ETHICS?** For a confidential advisory opinion, contact the Board of Ethics at the following address, or as provided on the Town's web site:

SECRETARY TO BOARD OF ETHICS  
TOWN HALL  
1 Washington Street, 3rd Floor  
Hempstead, NY 11550  
Telephone:  
email:

**§ 3. Severability.**

If any clause, sentence, paragraph, subdivision, Section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

**§ 4. Effective Date.**

This Chapter shall take effect immediately upon filing in the Office of the Secretary of State of New York.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Section 202-48 of the code of the Town of Hempstead entitled, "Handicapped Parking on Public Streets," a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 16<sup>th</sup> day of April, 2019, at 10:30 o'clock in the forenoon of that day, to consider the adoption of a resolution setting aside certain parking spaces for motor vehicles for the sole use of holders of special parking permits issued by the County of Nassau to physically handicapped persons at the following locations:

BALDWIN

BALDWIN AVENUE - north side, starting at a point 96 feet east of the east curbline of Grove Street, east for a distance of 20 feet.  
(TH-014/19)

ELMONT

LUDLAM AVENUE - south side, starting at a point 209 feet east of the east curbline of 3<sup>rd</sup> Street, east for a distance of 20 feet.  
(TH-026/19)

HEWLETT

QUAY AVENUE - west side, starting at a point 100 feet south of the south curbline of Pennisula Blvd., south for a distance of 15 feet.  
(TH-037/19)

UNIONDALE

CLARENDON ROAD - east side, starting at a point 142 feet north of the north curbline line of Jerusalem Avenue, north for a distance of 20 feet.  
(TH-027/19)

and on the repeal of the following locations previously set aside as parking spaces for physically handicapped persons:

Dtem# 6  
Case # 21527

BELLMORE

LESLIE LANE - north side, starting  
at a point 96 feet west of the west  
curbline of Little Neck Avenue, west  
for a distance of 20 feet.  
(TH-397/15 - 10/01/15) (TH-022/19)

ALL PERSONS INTERESTED shall have an opportunity to  
heard on said proposal at the time and place aforesaid.

Dated: April 2, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Commissioner of General Services of the Town of Hempstead has prepared revised parking field maps for the following locations, which revisions consist of the adoption of the following public parking field maps showing the repeal of two (2) "3 Hour Parking 8 AM to 6 PM" signs, three (3) "3 Hour Parking" signs and two (2) "1 Hour Parking Unless Otherwise Noted" signs and the adoption of two (2) "3 Hour Parking" signs in parking field O-1, Oceanside; the repeal of one (1) "1 Hour Parking" sign and the adoption of one (1) "1 Hour Parking" sign in parking field O-5, Oceanside; all in accordance and with Section 80-4 of the Code of the Town of Hempstead.

**PLEASE TAKE FURTHER NOTICE** that a public hearing will be held at the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Village and Town of Hempstead, New York, on the 16<sup>th</sup> day of April, 2019, at 10:30 o'clock in the forenoon of that day, to consider the adoption of the following revised public parking field maps:

OCEANSIDE  
O-1

Long Beach Road Parking Field  
Oceanside Public Parking District  
(TH-80/19)

OCEANSIDE  
O-5

Poole Street Parking Field  
Oceanside Public Parking District  
(TH-81/19)

*Item # 7*  
*Case # 16214*

Copies of the proposed public parking field maps are on file in the office of the Town Clerk of the Town of Hempstead, Hempstead Town Hall, 1 Washington Street, Hempstead, New York.

**ALL INTERESTED PERSONS** shall have an opportunity to be heard on said proposal at the time and place aforesaid.

**Dated:** April 2, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

SYLVIA A. CABANA  
Town Clerk

LAURA A. GILLEN  
Supervisor

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on April 16, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of SHADY POINT, LLC for Special Exception (Public Garage) to permit the operation of an automobile repair shop located on the s/si of Hempstead Tpke w/of Claflin Blvd. FRANKLIN SQUARE, New York:

An irregularly shaped parcel of property located on the s/si of Hempstead Tpke. 295.12' w/of Claflin Blvd. w/frontage of 61.05' on Hempstead Tpke & extending southerly to the northerly side of Liberty Pl. situated in Franklin Square, Town of Hempstead, County of Nassau, New York.

Maps pertaining to said proposal is on file with the application above mentioned in the Office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, N.Y.

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

Dated: March 12, 2019  
Hempstead, N.Y.

Item # 8

Case # 24455

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on April 16, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of JAV GASOLINE ENTERPRISES INC. to convert an existing automobile repair building to construct a canopy over existing pump islands as well as maintain existing Id sign and operate self- service station at the described premises at Island Park, New York:

A rectangular parcel of land on the n/w/c of Austin Blvd. & Kingston Blvd. w/frontage of 100' on Austin Blvd. & 91.50' on Kingston Blvd. (NR) Island Park, New York, Town of Hempstead, County of Nassau State of New York.

Maps pertaining to said proposal is on file with the application above mentioned in the Office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, NEW YORK.

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

Dated: March 12, 2019  
Hempstead, N.Y.

Item # 9  
Case # 17342

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED ONE STORY WOOD FRAME ONE FAMILY DWELLING WITH ATTACHED GARAGE, DETERMINED TO BE UNFIT FOR HUMAN OCCUPANCY, LOCATED ON THE SOUTHEAST CORNER OF ATLANTIC AVENUE AND DAHLIA AVENUE. SEC 54, BLOCK 368, AND LOT (S) 471, A/K/A 1034 ATLANTIC AVENUE, BALDWIN, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 1034 Atlantic Avenue, Baldwin, Town of Hempstead, New York; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was deemed to be unfit for human occupancy in Accordance with §101.2.7.4.3 of the New York Property Maintenance Code; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on November 9, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have the garage door framed with two inch by four inch by eight foot (2" x 4" x 8') studs and boarded with one half inch (1/2") four (4) ply plywood, sixteen (16) windows boarded with one half inch (1/2") four (4) ply plywood and five (5) doors secured with one half inch (1/2") four (4) ply plywood, located 1034 Atlantic Avenue, Baldwin;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,231.65, the cost associated with the emergency services provided at 1034 Atlantic Avenue, Baldwin, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,481.65 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10  
Case # 6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN UNSAFE VACANT LOT, LOCATED ON THE NORTH SIDE OF CHURCH STREET, 125 FEET EAST OF GRAND AVENUE. SEC 54, BLOCK 136, AND LOT (S) 5, A/K/A 805 CHURCH STREET, BALDWIN, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the vacant structure located at 805 Church Street, Baldwin; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this lot was unsafe; and

WHEREAS, the Commissioner of the Department of Buildings deemed the unsafe vacant lot to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on February 28, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to remove three (3) sections of fence, located at 805 Church Street, Baldwin;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$180.00, the cost associated with the emergency services provided at 805 Church Street, Baldwin, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$430.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED ONE STORY HIGH RANCH WOOD FRAME ONE FAMILY DWELLING WITH BASEMENT GARAGE, LOCATED ON THE WEST SIDE OF COLONY DRIVE, 540 FEET NORTH OF SOUTH DRIVE. SEC 54, BLOCK 348, AND LOT (S) 7, A/K/A 3314 COLONY DRIVE, BALDWIN, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 3314 Colony Drive, Baldwin; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on October 24, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to frame out and board over hot tub using one (1) seventy two inch by seventy eight inch (72" x 78") plywood, one (1) forty eight inch by seventy eight inch (48" x 78") plywood and one (1) forty eight inch by seventy two inch (48" x 72") plywood, located at 3314 Colony Drive, Baldwin;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$427.20, the cost associated with the emergency services provided at 3314 Colony Drive, Baldwin, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$677.20 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

10

Case #

6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED TWO STORY WOOD FRAME ONE FAMILY DWELLING WITH TWO CAR DETACHED GARAGE, LOCATED ON THE EAST SIDE OF EASTERN PARKWAY, 43 FEET NORTH OF WASHINGTON PLACE. SEC 54, BLOCK 360, AND LOT (S) 1195, A/K/A 3103 EASTERN PARKWAY, BALDWIN, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 3103 Eastern Parkway, Baldwin; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on November 29, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have one hundred fifty feet (150') of six foot (6') high fence installed with one and five eighth inch (1 5/8") poles and number nine (9) gauge wire top and bottom, located at 3103 Eastern Parkway, Baldwin;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$2,100.00, the cost associated with the emergency services provided at 3103 Eastern Parkway, Baldwin, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$2,350.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED ONE STORY MASONRY FRAME RELIGIOUS USE BUILDING WITH DETACHED GARAGE, LOCATED ON THE SOUTH SIDE OF WILSON AVENUE, 431 FEET EAST OF CENTRE AVENUE. SEC 56, BLOCK 282, AND LOT (S) 249-250, A/K/A 2650 WILSON AVENUE, BELLMORE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 2650 Wilson Avenue, Bellmore; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on December 5, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have garage framed with two inch by four inch by eight foot (2" x 4" x 8') studs and boarded with one half inch (1/2") four (4) ply plywood and have doors secured with one half inch (1/2") four (4) ply plywood, located at 2650 Wilson Avenue, Bellmore;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$270.40, the cost associated with the emergency services provided at 2650 Wilson Avenue, Bellmore, New York

WHEREAS, an additional charge of \$500.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$770.40 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING WITH DETACHED GARAGE, LOCATED ON THE WEST SIDE OF CAMERON STREET, 302 FEET SOUTH OF E STREET. SEC 32, BLOCK 546, AND LOT (S) 119, A/K/A 544 CAMERON STREET, ELMONT, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 544 Cameron Street, Elmont; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on December 14, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have ten feet (10') of six foot (6') high fence installed with one and five eighth inch (1 5/8") poles and number nine (9) gauge wire top and bottom, located at 544 Cameron Street, Elmont;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$180.00, the cost associated with the emergency services provided at 544 Cameron Street, Elmont, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$430.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED TWO STORY WOOD FRAME ONE FAMILY DWELLING WITH ATTACHED GARAGE, LOCATED ON THE NORTHEAST CORNER OF BROWER AVENUE AND SUNNYBROOK DRIVE WEST. SEC 54, BLOCK 501, AND LOT (S) 45, A/K/A 3247 BROWER AVENUE, OCEANSIDE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 3247 Brower Avenue, Oceanside; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on November 30, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have one (1) door secured with one half inch (1/2") four (4) ply plywood, located at 3247 Brower Avenue, Oceanside;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$180.00, the cost associated with the emergency services provided at 3247 Brower Avenue, Oceanside, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$430.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING WITH DETACHED GARAGE, LOCATED ON THE NORTH SIDE OF HENRY STREET, 380 FEET WEST OF NASSAU ROAD. SEC 55, BLOCK 427, AND LOT (S) 122-123, A/K/A 42 HENRY STREET, ROOSEVELT, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 42 Henry Street, Roosevelt; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on November 13, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to secure/support house with three (3) studs, located at 42 Henry Street, Roosevelt;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$180.00, the cost associated with the emergency services provided at 42 Henry Street, Roosevelt, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$430.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10  
Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING WITH ATTACHED GARAGE, LOCATED ON THE SOUTH SIDE OF HUDSON AVENUE, 310 FEET EAST OF LONG BEACH AVENUE. SEC 55, BLOCK 410, AND LOT (S) 474, A/K/A 151 HUDSON AVENUE, ROOSEVELT, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 151 Hudson Avenue, Roosevelt, Uniondale; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on December 20, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have doors secured with one half inch (1/2") four (4) ply plywood and have fourteen (14) windows closed, locked and screwed shut, located at 151 Hudson Avenue, Roosevelt;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$414.80, the cost associated with the emergency services provided at 151 Hudson Avenue, Roosevelt, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$664.80 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING WITH DETACHED GARAGE, LOCATED ON THE SOUTH SIDE OF LINCOLN AVENUE, 200 FEET WEST OF PARK AVENUE. SEC 55, BLOCK 485, AND LOT (S) 5, A/K/A 62 LINCOLN AVENUE, ROOSEVELT, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 62 Lincoln Avenue, Roosevelt; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was open and abandoned; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on November 1, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have doors secured with one half inch (1/2") four (4) ply plywood, general cleanup of loose debris and nail windows shut taking three (3) hours, located at 62 Lincoln Avenue, Roosevelt;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$437.80, the cost associated with the emergency services provided at 62 Lincoln Avenue, Roosevelt, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$687.80 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10  
Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN OPEN AND ABANDONED TWO STORY HIGH RANCH WOOD FRAME ONE FAMILY DWELLING WITH BASEMENT GARAGE, DETERMINED TO BE UNFIT FOR HUMAN OCCUPANCY, LOCATED ON THE EAST SIDE OF VALCOUR AVENUE, 80 FEET SOUTH OF PAWNEE PLACE. SEC 50, BLOCK 22, AND LOT (S) 164-166, A/K/A 217 VALCOUR AVENUE, UNIONDALE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the open and abandoned structure located at 217 Valcour Avenue, Uniondale, Town of Hempstead, New York; and

WHEREAS, said inspection disclosed that contrary to Town of Hempstead regulations this structure was deemed to be unfit for human occupancy in Accordance with §101.2.7.4.3 of the New York Property Maintenance Code; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; and

WHEREAS, pursuant to Chapter 90 of the code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of MGP Landscape Construction LLC DBA M3 Development Group, 68 South Service Road, Suite 100, Melville, New York, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 240-2015; and

WHEREAS, on October 22, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to install two (2) lock and hasps, have two (2) thirty six inch by eighty inch (36" x 80") doors secured with one half inch (1/2") four (4) ply plywood, one (1) thirty eight inch by eighty three inch (38" x 83") door secured with one half inch (1/2") four (4) ply plywood and one (1) seventy two inch by eighty one inch (72" x 81") door secured with one half inch (1/2") four (4) ply plywood, located at 217 Valcour Avenue, Uniondale;

WHEREAS, on October 23, 2018, the Commissioner of the Department of Buildings directed MGP Landscape Construction LLC DBA M3 Development Group, to have sliding glass door secured with one half inch (1/2") four (4) ply plywood and stud screwed inside, four (4) thirty six inch by forty seven inch (36" x 47") HUD style windows boarded with one half inch (1/2") four (4) ply plywood, two (2) thirty five inch by thirty five inch (35" x 35") HUD style windows boarded with one half inch (1/2") four (4) ply plywood, one (1) twenty four inch by thirty five inch (24" x 35") HUD style window boarded with one half inch (1/2") four (4) ply plywood, one (1) twenty four inch by thirty eight inch (24" x 38") HUD style window boarded with one half inch (1/2") four (4) ply plywood, one (1) twenty four inch by thirty six inch (24" x 36") HUD style window boarded with one half inch (1/2") four (4) ply plywood, one (1) twenty four inch by thirty five inch (24" x 35") HUD style window boarded with one half inch (1/2") four (4) ply plywood, one (1) forty four inch by thirty nine inch (44" x 39") HUD style window boarded with one half inch (1/2") four (4) ply plywood, one (1) sixteen inch by twenty nine inch (16" x 29") HUD style window boarded with one half inch (1/2") four (4) ply plywood, one (1) seventeen inch by twenty eight inch (17" x 28") HUD style window boarded with one half inch (1/2") four (4) ply plywood and one (1) sixteen inch by twenty seven inch (16" x 27") HUD style window boarded with one half inch (1/2") four (4) ply plywood, located at 217 Valcour Avenue, Uniondale;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,076.30, the cost associated with the emergency services provided at 217 Valcour Avenue, Uniondale, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,326.60 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

Case #

11  
6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE TWO STORY WOOD FRAME ONE FAMILY DWELLING WITH TWO CAR DETACHED GARAGE, LOCATED ON THE EAST SIDE OF EASTERN PARKWAY, 43 FEET NORTH OF WASHINGTON PLACE. SEC 54, BLOCK 360, AND LOT (S) 1195, A/K/A 3103 EASTERN PARKWAY, BALDWIN, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 3103 Eastern Parkway, Baldwin, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the code, the Town Board authorized the demolition and removal of said structure under Town Board Resolution No. 732-2018 adopted June 5, 2018; and

WHEREAS, the services of Environmental Management Services Inc., at 23-24 Sound Street #1, Astoria, New York 11105, and the costs incurred by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 183-2015; and

WHEREAS, on August 14, 2018, the Commissioner of the Department of Buildings directed Environmental Management Services Inc. to make an asbestos air monitoring inspection and report, located at 3103 Eastern Parkway, Baldwin;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,010.00, the cost associated with the emergency services provided at 3103 Eastern Parkway, Baldwin, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,260.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 11  
Case # 0542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE ONE STORY WOOD FRAME ONE FAMILY DWELLING WITH DETACHED GARAGE, LOCATED ON THE NORTH SIDE OF MARTIN STREET EAST, 220 FEET EAST OF HEWLETT BAY BOULEVARD. SEC 42, BLOCK 28, AND LOT (S) 18-19, A/K/A 7 MARTIN STREET EAST, EAST ROCKAWAY, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 7 Martin Street East, East Rockaway, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the code, the Town Board authorized the demolition and removal of said structure under Town Board Resolution No. 1724-2017 adopted December 17, 2018; and

WHEREAS, the services of Environmental Management Services Inc., at 23-24 Sound Street #1, Astoria, New York 11105, and the costs incurred by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 183-2015; and

WHEREAS, on August 14, 2018, the Commissioner of the Department of Buildings directed Environmental Management Services Inc. to make an asbestos air monitoring inspection and report, located at 7 Martin Street East, East Rockaway;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,450.00, the cost associated with the emergency services provided at 7 Martin Street East, East Rockaway, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,700.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 11

Case # 6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING WITH DETACHED GARAGE, LOCATED ON THE WEST SIDE OF CAMERON STREET, 302 FEET SOUTH OF E STREET. SEC 32, BLOCK 546, AND LOT (S) 119, A/K/A 544 CAMERON STREET, ELMONT, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 544 Cameron Street, Elmont, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the code, the Town Board authorized the demolition and removal of said structure under Town Board Resolution No. 1772-2016 adopted November 29, 2016; and

WHEREAS, the services of Environmental Management Services Inc., at 23-24 Sound Street #1, Astoria, New York 11105, and the costs incurred by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 183-2015; and

WHEREAS, on December 17, 2018, the Commissioner of the Department of Buildings directed Environmental Management Services Inc. to make an asbestos air monitoring inspection and visual inspection during asbestos abatement, located at 544 Cameron Street, Elmont;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,140.00, the cost associated with the emergency services provided at 544 Cameron Street, Elmont, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,390.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

Case #

11  
0542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE TWO AND ONE HALF STORY WOOD FRAME FIVE FAMILY DWELLING AND ACCESSORY BARN, LOCATED ON THE SOUTH SIDE OF GRAND CENTRAL PLACE, 103 FEET WEST OF JEANETTE AVENUE. SEC 40, BLOCK 157, AND LOT(S) 11 & 21, A/K/A 345 GRAND CENTRAL PLACE, INWOOD, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 345 Grand Central Place, Inwood, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the code, the Town Board authorized the demolition and removal of said structure under Town Board Resolution No. 1358-2016 adopted September 20, 2016; and

WHEREAS, the services of Environmental Management Services Inc., at 23-24 Sound Street #1, Astoria, New York 11105, and the costs incurred by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 183-2015; and

WHEREAS, on August 2, 2018, the Commissioner of the Department of Buildings directed Environmental Management Services Inc. to make an asbestos air monitoring inspection and visual inspection during asbestos abatement, located at 345 Grand Central Place, Inwood;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,350.00, the cost associated with the emergency services provided at 345 Grand Central Place, Inwood, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,600.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

11

Case #

6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE TWO STORY WOOD FRAME ONE FAMILY DWELLING WITH ATTACHED GARAGE, LOCATED ON THE NORTHEAST CORNER OF BROWER AVENUE AND SUNNYBROOK DRIVE WEST. SEC 54, BLOCK 501, AND LOT (S) 45, A/K/A 3247 BROWER AVENUE, OCEANSIDE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 3247 Brower Avenue, Oceanside, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the code, the Town Board authorized the demolition and removal of said structure under Town Board Resolution No. 977-2018 adopted August 7, 2018; and

WHEREAS, the services of Environmental Management Services Inc., at 23-24 Sound Street #1, Astoria, New York 11105, and the costs incurred by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 183-2015; and

WHEREAS, on November 30, 2018, the Commissioner of the Department of Buildings directed Environmental Management Services Inc. to make an asbestos air monitoring inspection and report, located at 3247 Brower Avenue, Oceanside;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,010.00, the cost associated with the emergency services provided at 3247 Brower Avenue, Oceanside, New York

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,260.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 11

Case # 6542

ADOPTED:

offered the following resolution and moved  
its adoption:

**RESOLUTION GRANTING OF THE APPLICATION OF EAST  
MEADOW BASEBALL SOFTBALL ASSOC. FOR A PARADE  
PERMIT FOR A PARADE HELD IN EAST MEADOW, NEW YORK,  
ON APRIL 27, 2019.**

WHEREAS, Jeremy Webman of East Meadow, New York, President of the East Meadow Baseball Softball Assoc., New York has filed an application with the Town Clerk of the Town of Hempstead, for a Parade Permit for a Parade to be held in East Meadow, New York, on April 27, 2019 from 10:00 AM to 11:30 PM and

WHEREAS, the said application meets the requirements of section 117-3 of the Hempstead Town Code ("the Code") and has been positively reviewed by the Nassau County Police Department; and

WHEREAS, the Town Clerk has advised the Town Board that the application appears to meet the requirements of section 117-4 of the Code, entitled *Standards for Issuance*;

NOW, THEREFORE, BE IT

RESOLVED, that the of the aforesaid application of Jeremy Webman, President of the East Meadow Baseball Softball Assoc., be and the same is hereby GRANTED, subject to all the provisions of Chapter 117 entitled Parades, Code of the Town of Hempstead

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 12

Case # 25843

CASE NO. 25843

RESOLUTION NO.

ADOPTED:

its adoption:

offered the following resolution and moved

RESOLUTION GRANTING OF THE APPLICATION OF GARDEN CITY SOUTH LITTLE LEAGUE FOR A PARADE PERMIT FOR A PARADE HELD IN FRANKLIN SQUARE, NEW YORK, ON APRIL 27, 2019.

WHEREAS, Joe Sorrentino of W Hempstead, New York, President of the Garden City South Little League, New York has filed an application with the Town Clerk of the Town of Hempstead, for a Parade Permit for a Parade to be held in Franklin Square, New York, on April 27, 2019 from 10:30 AM to 11:30 AM and

WHEREAS, the said application meets the requirements of section 117-3 of the Hempstead Town Code ("the Code") and has been positively reviewed by the Nassau County Police Department; and

WHEREAS, the Town Clerk has advised the Town Board that the application appears to meet the requirements of section 117-4 of the Code, entitled *Standards for Issuance*;

NOW, THEREFORE, BE IT

RESOLVED, that the of the aforesaid application of Joe Sorrentino, President of the Garden City South Little League, be and the same is hereby GRANTED, subject to all the provisions of Chapter 117 entitled Parades, Code of the Town of Hempstead

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 12

Case # 25843

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING A DECREASE IN PART TOWN FUND APPROPRIATED FUND BALANCE ACCOUNT AND AN INCREASE IN THE FEES & SERVICES ACCOUNT IN PLANNING & ECONOMIC DEVELOPMENT OPERATING FUND IN THE 2019 BUDGET.

RESOLVED, that the Supervisor be and she hereby is authorized to effect the following:

<u>030-006-8020 PLANNING &amp; ECONOMIC DEVELOPMENT:</u>		
DECREASE:	030-5990 Appropriated Fund Balance	\$97,000.00
INCREASE:	030-006-8020-4151 Fees & Services	\$97,000.00

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 13

Case # 13106

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A CONTRACT WITH GATEWAY YOUTH OUTREACH INC., FOR A GRANT FOR SERVICES TO YOUTH IN THE UNINCORPORATED AREA OF ELMONT, NEW YORK.**

**WHEREAS**, Gateway Youth Outreach Inc., having a principal office at 534 Elmont Road, Elmont, New York, has for a number of years conducted a variety of programs that benefit the youth of the Elmont area; and

**WHEREAS**, Gateway Youth Outreach Inc., is making application to the Town of Hempstead for a grant of funds to assist it in the conduct of its programs through the year January 1, 2018 through December 31, 2018, in the unincorporated community of Elmont; and

**WHEREAS**, this Town Board deems it to be in the public interest to approve said application made to the Town of Hempstead.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to enter into a contract between the Town of Hempstead and Gateway Youth Outreach Inc., providing for a grant not to exceed the amount of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS to be used in its 2018 youth program;

**BE IT FURTHER RESOLVED**, that the Town pay to Gateway Youth Outreach Inc., in the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS, which shall be charged against the appropriate Community Development Block Grant account upon submission of the appropriate claim form and required substantiation approved by the Commissioner of the Department of Planning and Economic Development.

The foregoing resolution was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

Item # 14

Case # 13584

**CONTRACT FOR PERSONAL SERVICES**

By and Between  
TOWN OF HEMPSTEAD  
And  
GATEWAY YOUTH OUTREACH, INC.

**AGREEMENT** made the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the Town of Hempstead (hereinafter "Town"), a domestic municipal corporation having its principal offices at One Washington Street, Hempstead, New York, and Gateway Youth Outreach, Inc., (hereinafter "Gateway"), a non-profit corporation having its principal office at 534 Elmont Road, Elmont, New York.

**WITNESSETH THAT:**

**WHEREAS**, Gateway has conducted basic community services and programs for the benefit of youth in the unincorporated area of Elmont; and

**WHEREAS**, Gateway has requested the Town to provide a grant of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS to assist in the operation of its 2018 season; and

**WHEREAS**, the Town Board deeming it to be in the public interest to grant such request has authorized the Supervisor to enter into a contract between the Town and Gateway;

**NOW, THEREFORE**, it is mutually agreed by and between the parties hereto as follows:

1. Gateway agrees to continue its operations located at 534 Elmont Road, Elmont, New York, during the term of this agreement.
2. Gateway agrees to continue its basic community services and other programs for youth in the unincorporated area of Elmont.
3. Gateway agrees that such youth programs will be supervised and directed by competent adult personnel.
4. Gateway agrees that the programs and services shall be monitored and evaluated by the Department of Planning and Economic Development of the Town.
5. Gateway agrees not to assign, transfer or hypothecate this agreement or any interest therein, in whole or in part, by agreement or novation.
6. Gateway agrees that at all times, it shall be deemed to be an independent contractor and shall not in any manner by its actions or deeds commit the Town to any obligation irrespective of the nature thereof, and that Gateway shall not, at any time, for any purpose, be deemed an agent, servant or employee of the Town.
7. Gateway agrees to indemnify the Town of Hempstead, its agents, its servants and employees from any and all claims of liability for bodily injury and damage to property caused by the negligence of the agents, servants and employees of Gateway resulting from its operation, use and maintenance of the facilities at Gateway. In addition, Gateway agrees, prior to the commencement of this agreement or any renewal thereof, at its own cost and expense, to obtain policies of insurance insuring Gateway and the Town of Hempstead against any claims from any and all persons for bodily injury and property damage. Such policies shall have limits with respect to personal injuries of \$1,000,000.00 per occurrence and shall also insure against property damage to the limit of \$100,000.00 in respect to any one accident. Certificates of Insurance duly reflecting this provision of this agreement shall be delivered to the Town by Gateway simultaneously with the execution of this agreement.

8. Gateway agrees that it shall at all times keep and maintain full and complete books and records of accounts in accordance with accepted accounting practices and such other records as may be prescribed by the Comptroller of the Town to reflect complete and true accountability for the funds which the Town shall grant under this contract. Gateway shall, upon expenditure of the grant, provide the Department of Planning and Economic Development with a detailed report of the expenditures made.

9. Gateway agrees to report to the Department of Planning and Economic Development at such times and in such manner and form prescribed as to services performed pursuant to this agreement.

10. Gateway agrees that in performance of its services it will comply with provisions of the Labor Law and Workers Compensation Law of the State of New York if such may be applicable to its operations.

11. The Town agrees to pay Gateway for the services provided by this agreement the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS.

12. It is expressly understood and agreed that this agreement may be terminated by the Town without prior notice if the operations conducted by Gateway do not meet with the complete satisfaction of the Town Board for any reason whatsoever.

13. The terms of this agreement shall commence January 1, 2018 and terminate on the 31<sup>st</sup> day of December, 2018.

IN WITNESS WHEREOF, the parties herein have signed this Agreement the day and year first written above.

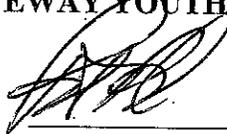
**TOWN OF HEMPSTEAD**

by:

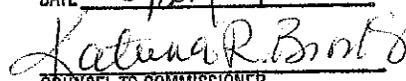
\_\_\_\_\_  
Laura A Gillen  
Supervisor

**GATEWAY YOUTH OUTREACH**

by:

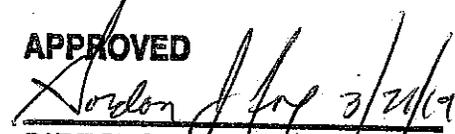
  
\_\_\_\_\_  
PATRICK BOYLE,  
Executive Director.

APPROVED ~~AS TO CONTENTS~~  
DATE 3/21/19

  
\_\_\_\_\_  
KATRINA R. BUNT  
COUNSEL TO COMMISSIONER  
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT

Doc. No. 18-067

APPROVED

  
\_\_\_\_\_  
GORDON J. LOPEZ  
DIRECTOR OF PURCHASING

APPROVED AS TO FORM

  
\_\_\_\_\_  
CHARLES O. HEINE  
SENIOR DEPUTY TOWN ATTORNEY  
DATE 3/21/19







Case No.

Resolution No.

Adopted:

Council(wo)man

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING AN AMENDMENT TO THE  
TOWN OF HEMPSTEAD'S AGREEMENT WITH  
CAMERON ENGINEERING ASSOCIATES, LLP FOR  
SEQRA, PLANNING & ENGINEERING SERVICES FOR  
TRANSIT ORIENTED DEVELOPMENT (TOD) IN INWOOD  
AND LAWRENCE, NY

WHEREAS, The Town of Hempstead is considering an amendment to its Building Zone Ordinance to enable the creation of Transit Oriented (TO) Zoning District in the vicinity of the Inwood and Lawrence Long Island Railroad (LIRR) stations.; and

WHEREAS, the Town entered into an agreement with Cameron Engineering Associates, LLP, 177 Crossways Park Drive, Woodbury, NY 11797, under Resolution #958-2018, and modified under Resolutions ##1352-2018 and 363-2019 to refine the target study area, perform an existing conditions analysis, prepare a market demand study, perform a build-out analysis, prepare a traffic impact study, and other services in relation to this zoning analysis and study; and

WHEREAS, Cameron Engineering Associates, LLP submitted a proposed amendment dated March 27, 2019 for expanded scope of services which include an Expanded Environmental Assessment, a Traffic Impact Study (original scope was for one build-out), additional build-out studies, a Form Based Code (FBC), infrastructure fund, workforce/affordable housing, expedited approval, and additional 3-D architectural rendering, all at an additional cost of \$92,150.00; and

WHEREAS, the Town Board finds this proposed work necessary for the Transit Oriented Development (TOD) in Inwood and Lawrence, N.Y;

NOW THEREFORE, BE IT

RESOLVED, that the Town of Hempstead accepts the above referenced amendment with Cameron Engineering Associates, LLP, 177 Crossways Park Drive, Woodbury, NY 11797, for the above described project(s) as described in Resolutions ##958-2018, 1352-2018, 363-2019, and this resolution, for a sum total not to exceed \$367,400.00; and be it further,

RESOLVED, that all fees paid in conjunction with this Agreement shall be paid from the Town of Hempstead Part Town Fees and Services Fund Account Number: 030-012-9000-4151.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

17

Case #

24970

Adopted:

Council(wo)man offered the following resolution and moved its adoption:

RESOLUTION DECLARING THE TOWN BOARD LEAD AGENCY IN CONNECTION WITH THE PROPOSED CREATION OF NEW ZONING DISTRICTS AND OVERLAY DISTRICTS SET FORTH AS A NEW ARTICLE XLIII OF THE BUILDING ZONE ORDINANCE OF THE TOWN OF HEMPSTEAD, INCLUDING THE ESTABLISHMENT OF A TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT PROXIMATE TO THE INWOOD AND LAWRENCE LIRR TRAIN STATIONS, THE ESTABLISHMENT OF A NEIGHBORHOOD BUSINESS (NB) OVERLAY DISTRICT ALONG THE LAWRENCE AVENUE CORRIDOR IN NORTH LAWRENCE AND ALONG THE DOUGHTY BOULEVARD CORRIDOR IN INWOOD AND THE ESTABLISHMENT OF A RESIDENTIAL TOWNHOUSE/ROWHOUSE (TR) OVERLAY DISTRICT WITHIN NORTH LAWRENCE AND INWOOD.

WHEREAS, the Town Board of the Town of Hempstead has reviewed the State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form (FEAF) Part 1, dated March 13, 2019, prepared by Cameron Engineering & Associates, LLP 177 Crossways Park Drive, Woodbury, NY 11797 (Cameron) on the above referenced Proposed Action; and

WHEREAS, the Town Board determines that said Action is classified as a Type 1 Action under SEQRA Regulations; and

WHEREAS, the Town Board determines that said Action is also subject to review by other interested and involved agencies under SEQRA Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to ensure the coordination of the Proposed Action and will provide notifications to interested and involved agencies, for the purposes of conducting a coordinated review and making a determination of significance in accordance with 6 NYCRR Part 617 (SEQRA); and

NOW, THEREFORE, BE IT

RESOLVED that the Town Board declares itself as Lead Agency with respect to the environmental review of the Proposed Action; and be it further

RESOLVED, that copies of this resolution and referenced supporting documents shall be provided to all interested parties, in accordance with law.

The foregoing resolution was seconded by and adopted upon roll call as follows:

Item # 18  
Case # 30115

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption.

RESOLUTION AUTHORIZING ACCEPTANCE OF A PROPOSAL FROM TIBURON, INC., A TRITECH SOFTWARE SYSTEMS COMPANY, TO PROVIDE A SOFTWARE SUPPORT AND MAINTENANCE CONTRACT FOR THE DEPARTMENT'S REPORT MANAGEMENT SYSTEM.

WHEREAS, the Town of Hempstead Department of Public Safety has instituted a Report Management System for recording and managing all Department reports and related photos and documents, and

WHEREAS, Tiburon Inc., a Trittech Software Systems Company, in a proposal has offered to provide a Software Support and Maintenance Contract for the Department of Public Safety's Report Management System for the period of one (1) year from May 1, 2019 through April 30, 2020; and the fee for this Support and Maintenance Contract is \$19,145.00; and

WHEREAS, Tiburon Inc. is the developer and owner of the copyright to the applications utilized by the Town of Hempstead Department of Public Safety and is the sole source provider for purchase of additional software licenses and related services, including annual support for the Tiburon applications; and

WHEREAS, the Commissioner of the Department of Public Safety deems such agreement reasonable and in the public interest;

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Safety be and hereby is authorized to accept the aforesaid proposal submitted by Tiburon Inc., 9477 Waples Street, Suite 100, San Diego, California, 92121 and to make payment from the Department of Public Safety Maintenance of Equipment Account 010-002-3120-4030 in the amount of \$19,145.00 for the renewal period.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

19

Case #

13671

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE AWARD OF  
PURCHASE CONTRACT#: 05-2019 FOR  
THE IMPLEMENTATION OF A SMART MOBILITY PROGRAM.

WHEREAS, the Town of Hempstead (the "Town") recognizes the need for a sustainable alternative to car ownership for its residents which would serve to decrease traffic and parking congestion within the Town while reducing carbon emissions and reliance on fossil-fuels; and

WHEREAS, the Town is seeking to implement a smart mobility program for the Town, which would include an on-demand fleet of electric vehicles to be rented by the general public (the "Services"); and

WHEREAS, the Division of Purchasing solicited proposals for TOH Purchase Contract#: 05-2019 for the Implementation of a Smart Mobility Program; and

WHEREAS, the following sole proposal was received and opened on January 4, 2019:

Name & Address of Proposer

Greenspot JC LLC  
155 2<sup>nd</sup> Street  
Jersey City, NJ 07302

; and

WHEREAS, the proposal from Greenspot JC LLC is based on a revenue share model with the Town wherein the Town will receive 10% of the net operating income from car sharing operations located within the Town once Greenspot JC LLC has recovered its total investment costs and maintained a net positive cash flow for twelve consecutive months; and

WHEREAS, under Greenspot JC LLC's proposal, there will be no cost to the Town; and

WHEREAS, following an evaluation of the aforementioned proposal, it was determined that Greenspot JC LLC, 155 2nd Street, Jersey City, NJ 07302 is duly qualified and meets the needs of the Town; and

WHEREAS, it is recommended that the Town enter into an agreement with Greenspot JC LLC, as the sole responsible proposer, to provide the Services for a five (5) year term commencing on May 1, 2019 and ending on April 30, 2024 (the "Agreement"); and

WHEREAS, the Town, in consultation with Greenspot JC LLC, will identify no more than five optimal locations within the Town from the proposed location list, a copy of which is attached hereto as Schedule A, to begin its operations; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement be and is hereby authorized; and be it further

RESOLVED, that the Supervisor be and she hereby is authorized to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of

Case #

20  
29734

the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to deposit monies due and owing to the Town in conjunction with this Agreement, if any, into the appropriate revenue accounts.

The foregoing was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

Schedule A--Proposed Location List for Smart Mobility Program

<b>Location</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
779 Brooklyn Ave	Baldwin	NY	11510
2253 Grand Ave	Baldwin	NY	11510
2355 Pershing Blvd	Baldwin	NY	11510
741 St. Luke's Pl	Baldwin	NY	11510
853 Merrick Road	Baldwin	NY	11510
959 Hempstead Turnpike	Franklin Square	NY	11010
Kees Place	Merrick	NY	11566
417 Weidner Ave	Oceanside	NY	11572
3132 Royal Ave	Oceanside	NY	11572
1030 Walsh Ave	Woodmere	NY	11598
870 Cedar Lane	Woodmere	NY	11598
1 Club Dr	Woodmere	NY	11598
819 Broadway	Woodmere	NY	11598
1185 E. Broadway	Hewlett	NY	11557
208 Oceanside Parkway	Oceanside	NY	11572
56 Hempstead Gardens Dr	W. Hempstead	NY	11552
2370 Bedford Ave S	Bellmore	NY	11710
1096 W Beech St	East Atlantic Beach	NY	11561
3481 Jerusalem Ave	Wantagh	NY	11793
1961 Grove St	Wantagh	NY	11793
3949 Gilmartin Ln	Seaford	NY	11783

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE AWARD  
OF TOH CONTRACT#: 26-2019 FOR:  
YEARLY REQUIREMENTS FOR:  
LEASING OF NEW DIGITAL COPIERS

WHEREAS, the Division of Purchasing solicited proposals for TOH Contract#: 26-2019, Yearly Requirements For: Leasing of New Digital Copiers (the "Contract"); and

WHEREAS, proposals were received and opened on January 24, 2019 yielding results from fourteen entities; and

WHEREAS, following an evaluation of the aforementioned proposals it has been determined that the proposal and fee schedule received by Leslie Digital Imaging, LLC, 50 Jericho Quadrangle, Jericho, N.Y. 11753 best meets the Town's needs; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to award the Contract to Leslie Digital Imaging, LLC for the term of three (3) years beginning May 1, 2019 through April 30, 2022;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby awards TOH Contract#: 26-2019, Yearly Requirements For: Leasing of New Digital Copiers to Leslie Digital Imaging, LLC, 50 Jericho Quadrangle, Jericho, N.Y. 11753; and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to make payment of the monies due and owing in conjunction with the contract out of the appropriate departmental Fees & Services Account.

The foregoing was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

\* \* \* \* \*

Item # 21  
Case # 11776

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved  
its adoption:

RESOLUTION AUTHORIZING THE SUPERVISOR  
TO EXECUTE THE HEALTH CARE REFORM ACT-  
PUBLIC GOODS POOL PAYOR ELECTION  
APPLICATION AND THE ELECTRONIC FILING  
USER ID APPLICATION.

WHEREAS, the HEALTH CARE REFORM ACT- PUBLIC GOODS POOL  
allows for payments to be made directly to the Office of  
Pool Administration; and

WHEREAS, this Town Board deems it in the best interest  
of the Town of Hempstead and the government thereof that the  
Town of Hempstead elect to be part of the Health Care Reform  
Act-Public Goods Pool;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to  
execute the Payor Election Application form and THE  
Electronic Filing User ID application.

The foregoing resolution was adopted upon roll call as  
follows:

AYES:

NOES:

Item #

22

Case #

7433

**HEALTH CARE REFORM ACT – PUBLIC GOODS POOL**

Effective Date: 5-1-19

**FEDERAL EMPLOYER IDENTIFICATION # (FEIN):** [REDACTED]  
**PAYOR NAME:** Town of Hempstead, NY  
**D/B/As (IF APPLICABLE):** \_\_\_\_\_  
**ADDRESS:** 1 Washington St.  
Hempstead, NY 11550  
**CONTACT PERSON:** Albina Kataeva  
**PHONE #:** 516-812-3199  
**E-MAIL ADDRESS:** akataeva@tohmail.org

If the above referenced entity is a payor that utilizes a third-party administrator (TPA)/administrative services only (ASO) for claims processing, please provide the following information:

**TPA/ASO NAME:** Corvel Enterprise Comp  
**TPA/ASO FEIN:** [REDACTED]

**By signature below, the above entity elects to make all public goods surcharge payments directly to the Office of Pool Administration for all its coverages for which it assumes risk for the payment of medical claims and agrees to:**

1. remit to the Department's Office of Pool Administration required surcharge payments for all applicable services on a monthly basis on or before the 30th day following the calendar month for which monies have been paid to designated providers of service;
2. provide the Department's Office of Pool Administration monthly certified reports on or before the 30th day following the calendar month for which monies have been paid which separately report patient service expenditures for services provided by designated provider type(s) (i.e., hospital inpatient, hospital outpatient, diagnostic & treatment center, laboratory<sup>1</sup>, or ambulatory surgery center) by product line;
3. provide the Department with certification of data and access to allowance expenditure data upon request for audit verification purposes; and

<sup>1</sup>For services provided on or after October 1, 2000, freestanding clinical laboratories with Article 5 Title V permits are exempt from HCRA surcharges.

4. the jurisdiction of the state to maintain an action in the courts of the State of New York to enforce any provision of section 2807-j of the Public Health Law (see note below).
5. the Department's website posting of the above entity's FEIN in accordance with Public Health Law Section 2807-j(5)(a)(iii)(D).

**By signature below, the above entity also agrees to make public goods covered lives payments directly to the Department's Office of Pool Administration in instances where it provides inpatient coverage as a corporation organized and operating in accordance with Article 43 of the Insurance Law, an organization operating in accordance with Article 44 of the Public Health Law, a self-insured fund, or an HMO or insurer licensed outside New York State and authorized to write accident and health insurance and whose policy provides inpatient coverage on an expense incurred basis. In such instances the above entity agrees to:**

1. remit to the Department's Office of Pool Administration within 30 days after the end of each month one-twelfth of both the individual and family unit annual assessment amounts for each of the individuals and family units residing in the state which were included on the payor's membership rolls for all or a portion of the prior month and for which the payor covered general hospital inpatient care, including retroactive additions and deletions;
2. provide the Department with data certification and access to individual and family unit data, upon request, for audit verification purposes; and
3. the jurisdiction of the state to maintain an action in the courts of the State of New York to enforce any provision of section 2807-t of the Public Health Law (see note below).

**By signature below, the Chief Financial Officer or other duly authorized individual of the above entity certifies that the data submitted on all applicable attachments have been carefully prepared in accordance with instructions provided, and to the best of his/her knowledge, the information presented is accurate and correct.**

**Signature** \_\_\_\_\_ **Title** \_\_\_\_\_  
Chief Financial Officer or Duly Authorized Individual

**Date** \_\_\_\_\_

**Note:** Payors making an election are only agreeing to the jurisdiction of NYS courts for purposes of enforcing payments required under 2807-j and 2807-t. This does not, in any way, preclude a payor from litigating other issues in Federal court such as ERISA based challenges, etc.

COVERAGE INFORMATION (See Attached For Further Explanation)

PAYOR NAME: Town of Hempstead, NY

FEDERAL ██████████

TPA/ASO NAME: CorVel Enterprise Comp

TPA/ASO FEDERAL ID#: ██████████

MARK AN "X" IN EACH COLUMN TO INDICATE TYPE OF COVERAGE BY PAYOR TYPE

	TYPE OF PAYOR:	IDENTIFICATION OF TYPE OF COVERAGE:										
		<u>INDEMNITY COVERAGE</u>	HMO NON- MEDICAID OR NON- NYS MEDICAID COVERAGE	SELF- INSURED COVERAGE	NEW YORK STATE HMO/PHSP MEDICAID COVERAGE	NEW YORK STATE GOVT PROGRAM W/PATIENT COMPONENT & NYS LOCAL GOVT CORRECTIONS	NEW YORK STATE WORKERS COMPENSATION LAW COVERAGE	NEW YORK STATE MOTOR VEHICLE REPAIRATIONS ACT COVERAGE	NEW YORK STATE VOLUNTEER AMBULANCE WORKER'S BENEFIT LAW COVERAGE	NEW YORK STATE VOLUNTEER FIREFIGHTERS' BENEFIT LAW COVERAGE	OTHER COVERAGE	
1	Corporations Organized & Operating in accordance with Article 43 of the NYS Insurance Law											
2	Corporations that are Commercial Insurers licensed in New York State											
3	Corporations Organized & Operating in accordance with Article 44 of the NYS Public Health Law, not incorporated as Commercial Insurers or under Article 43 of the NYS Insurance Law											
4	Self-Insured Fund with No Third Party Administrator/Administrative Svcs Only Organization for Claims Processing											
5	Self-Insured Fund with a Third Party Administrator/Administrative Svcs Only Organization for Claims Processing							XX				
6	New York State Governmental Agency/ New York State Local Government											
7	Other (please explain below): Includes: State/Local Governments outside New York for Medical Assistance Programs; insurers licensed outside New York State, authorized to write OTHER than Accident and Health											
8	HMOs and insurers licensed outside New York State, authorized to write Accident and Health											

Explanation of "Other" Payor Identification

**HEALTH CARE REFORM ACT – PUBLIC GOODS POOL  
COVERAGE INFORMATION**

**Payor Type 1: Corporation organized and operating in accordance with Article 43 of the New York State Insurance Law offering:**

- Indemnity Coverage with an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services plus regional GME covered lives assessments for NYS resident insureds
- Indemnity Coverage without an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds
- HMO non-Medicaid managed care coverage, thus requiring a surcharge obligation on affected services plus regional GME covered lives assessments for NYS resident non-Medicaid insureds
- HMO Medicaid managed care coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident Medicaid managed care enrollees

**Payor Type 2: Commercial Insurance Corporation licensed by New York State offering:**

- Indemnity Coverage with an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services plus regional GME covered lives assessments for NYS resident insureds
- Indemnity Coverage without an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds
- HMO non-Medicaid managed care coverage, thus requiring a surcharge obligation on affected services plus regional GME covered lives assessments for NYS resident non-Medicaid insureds
- HMO Medicaid managed care coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident Medicaid insureds
- New York State Workers Compensation Law coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds
- New York State Motor Vehicles Reparations Act coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds
- New York State Volunteer Ambulance Workers Benefit Law coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds
- New York State Volunteer Firefighters Benefit Law coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds

**Payor Type 3: Corporation organized and operating in accordance with Article 44 of the New York State Public Health Law not incorporated as a NYS licensed commercial insurer or under Article 43 of the New York State Insurance Law offering:**

- HMO non-Medicaid managed care coverage, thus requiring a surcharge obligation on affected services plus regional GME covered lives assessments for NYS resident non-Medicaid managed care enrollees
- HMO Medicaid managed care coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident Medicaid managed care enrollees

**Payor Type 4/5: Self insured fund offering:**

- self insured employee health coverage with an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services and regional GME covered lives assessments for NYS resident plan participants
- self insured employee health coverage without an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident plan participants
- self insured New York State Workers Compensation Law coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident plan participants
- self insured **non-New York State** Workers Compensation Law coverage, thus requiring a surcharge obligation on affected services and a regional GME covered lives assessments (if coverage includes expense incurred inpatient hospital care) for NYS resident plan participants
- self insured New York State Motor Vehicles Reparation Act coverage, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident plan participants
- self insured **non-New York State** Motor Vehicles Reparations Act coverage, thus requiring a surcharge obligation on affected services and a regional GME covered lives assessments (if coverage includes expense incurred inpatient hospital care) for NYS resident plan participants

**Payor Type 6: New York State Governmental Agency/ New York State Local Government:**

- New York State political subdivision for New York State county corrections, New York City corrections, and, New York State governmental agencies for New York State administered payments that reimburse hospitals for rendered inpatient services to eligible patients. (e.g. Office of Mental Health payments for services provided to individuals residing in New York State operated developmental centers), thus requiring a surcharge obligation on affected services but no regional GME covered lives assessment

**Payor Type 7: Other**

- Insurers licensed outside New York State, authorized to write **OTHER than Accident and Health** thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds
- States **other than New York State** and localities **other than New York State political subdivisions** for medical assistance program expenses (i.e. Medicaid Programs in states **OTHER** than New York State), thus requiring a surcharge obligation on affected services but no regional GME covered lives assessment
- NYS licensed fraternal benefit societies offering coverage with or without an expense incurred inpatient hospital component, requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds

**Payor Type 8: HMOs and insurers licensed outside New York State, authorized to write Accident and Health:**

- Indemnity Coverage with an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services plus regional GME covered lives assessments for NYS resident insureds
- Indemnity Coverage without an expense incurred inpatient hospital component, thus requiring a surcharge obligation on affected services but no regional GME covered lives assessments for NYS resident insureds
- HMOs **organized and operating outside New York State Insurance and Public Health Laws**, thus requiring a surcharge obligation on affected services plus regional GME covered lives assessments for NYS resident insureds

**HEALTH CARE REFORM ACT – PUBLIC GOODS POOL  
DOH-4399 INSTRUCTIONS**

A payor voluntarily electing to make public goods payments directly to the Office of Pool Administration must complete forms DOH-4399 (Payor Election Application) and DOH-4264 (Electronic Filing User ID Application).

Instructions for pages 1 and 2:

**Effective Date:** Enter effective date of election. Note: An election application received from any payor or organization shall begin on the first day of the month following the date it was received by the Office of Pool Administration unless a future date is specified.

**Federal Employer Identification # (FEIN):** Enter federal employer identification number (FEIN) of the payor. Please note that Section 2807-j(5)(a)(iii)(D) of the Public Health Law requires the New York State Department of Health to publish the FEIN of all electing payors on a secure website.

**Payor Name:** Enter name of payor. The payor name is that of the incorporated entity, local government, self-insured fund.

**D/B/As:** Enter any assumed name(s) ("d/b/a") under which the entity is doing business.

**Address:** Enter address of payor.

**Contact Person:** Enter name of contact person that will be responsible for providing the Department with the information regarding the payor's election, lines of business and claims processing.

**Phone #:** Enter phone number of the contact person.

**E-Mail Address:** Enter the e-mail address of the contact person.

If the election submission is for a payor that is utilizing a third-party administrator (TPA)/administrative services only (ASO) for claims processing, the following information must also be provided. If more than one TPA/ASO is utilized, attach a list of additional TPAs/ASOs.

**TPA/ASO Name:** Enter name of the TPA/ASO representing said payor.

**TPA/ASO FEIN:** Enter FEIN of the TPA/ASO.

The Signature of the chief financial officer or other duly authorized individual binds the payor to make direct pool payments for all its public goods funding obligations, file reports and remit funds in conformance with the Health Care Reform Act (HCRA) provisions and Department requirements, and represents an agreement as to the jurisdiction of the State for purposes of enforcing payments required under Public Health Law sections 2807-j and 2807-t. This does not, in any way, preclude a payor from litigating other issues in Federal court such as ERISA based challenges, etc.

Instructions for page 3:

This form must be completed by all payors making an election and represents a payor's attestation of the coverage it provides. A payor electing to pay the Department's Office of Pool Administration directly is making an election for all its coverages for which it assumes risk for the payment of medical claims. Payors utilizing multiple third-party administrators (TPA)/administrative services only (ASO) organizations must complete a Coverage Information form for each TPA/ASO.

- In each payor category which applies, the payor should mark an "X" in each column to indicate that the payor provides such coverage. Each box marked with an "X" represents the coverages that it assumes risk for. As stated before, a payor is required to elect for all coverages for which it assumes risk for the payment of medical claims. Shaded areas should not be checked.
- If an Article 43 NYS Insurance Law corporation or licensed commercial insurer has a separate incorporation for its Article 44 NYS Public Health Law business, that corporation must check the appropriate boxes on a single election form. Otherwise, the Article 44 NYS Public Health Law business is considered to be a product line of the Article 43 or commercial payor and the payor is required to make a single election for this and all other types of coverage provided by the corporation. A payor, who does not fall into any of the categories listed, should check "Other" in the payor identification section and explain their payor type in the space provided.

**Please mail completed election application (DOH-4399 and DOH-4264) to:**

Mr. Jerome Alaimo, Pool Administrator  
Office of Pool Administration  
Excellus BlueCross BlueShield, Central New York Region  
P.O. Box 4757  
Syracuse, New York 13221-4757

**HEALTH CARE REFORM ACT – PUBLIC GOODS POOL  
DOH-4264 INSTRUCTIONS**

All electing payors/third party administrators (TPA)/administrative services only (ASO) organizations and designated providers are required to file Public Goods Pool reports electronically. This also applies to the 1% Statewide Assessment report filed by hospitals. To file electronically, you must establish an electronic filing account and be assigned a secure password. A website has been established at [www.hcrapools.org](http://www.hcrapools.org) to facilitate this process.

While electronic filing is designed to be user friendly, a help desk has been established to aid those users requiring assistance. If you need general assistance or assistance in obtaining copies of the electronic filing screens and the electronic reporting certification forms, please contact the help desk at (315) 671-3800 or via e-mail at [webpools@hcrapools.org](mailto:webpools@hcrapools.org).

Upon receipt of a fully completed Electronic Filing User ID Application (DOH-4264), the Office of Pool Administration will assign a secure electronic filing user ID and password to your organization, which you will receive via return mail.

**New Request/Revision to Existing Account:** Check the appropriate box. An entity requesting an initial account/password should check the *New Request* box; an entity that has an existing account and is advising the Department of a change to that account should check the *Revision to Existing Account* box.

**Payor/TPA/ASO/Provider Name:** Enter name of entity that may use the OPA website.

**Federal Employer Identification Number (FEIN):** Enter FEIN assigned to the entity named above.

**Operating Certificate #: (For providers only):** Enter Operating Certificate number assigned by the Department of Health to the entity named above.

**Report(s) being filed electronically (check ALL applicable types):** Check all applicable types of reports that your entity will be filing electronically – Public Goods Pool and/or Statewide Assessment.

**Signature:** Must be signed by the Chief Executive/Financial Officer and/or Administrator of the entity named above.

**Name/Title/Phone Number (Please Print):** Enter name, title and phone number of the person signing above.

**Address/City/State/Zip Code:** Enter address of the person signing above.

**E-mail Address:** Enter e-mail address of the person signing above. This email address will be used to communicate Health Care Reform Act information, including delinquency reporting notifications and periodic legislative updates.

**Date:** Enter date this form is signed.

**HEALTH CARE REFORM ACT – PUBLIC GOODS POOL**

**New Request**

**Revision to Existing Account**

**Payor/Third Party Administrator/Administrative Services Only Organization/Provider Name:**

Town of Hempstead, NY

**Federal Employer Identification # (FEIN):** \_\_\_\_\_

**Operating Certificate # (FOR PROVIDERS ONLY):** \_\_\_\_\_

**Report(s) being filed electronically (check ALL that apply):**

**Public Goods Pool**

**1% Statewide Assessment (for hospitals only)**

By signature below, the Chief Financial Officer or other duly authorized individual of the above named entity authorizes the Office of Pool Administration to assign a secure electronic filing user ID and password to the entity. This information will be mailed directly to the attention of the signer and must remain secured. If an email address is provided, this information will be sent electronically to the email address listed. It is the responsibility of the above named entity to ensure that this information is released only to those individuals requiring knowledge thereof.

**Signature** \_\_\_\_\_

**Name (Please Print)** \_\_\_\_\_

**Title** \_\_\_\_\_

**Phone Number** \_\_\_\_\_

**Address** \_\_\_\_\_

**City** \_\_\_\_\_

**State** \_\_\_\_\_

**Zip Code** \_\_\_\_\_

**E-mail Address** \_\_\_\_\_

**Date** \_\_\_\_\_

**Please mail completed form to:**  
Mr. Jerome Alaimo, Pool Administrator  
Office of Pool Administration  
Excelsus BlueCross BlueShield, Central New York Region  
P.O. Box 4757  
Syracuse, New York 13221-4757

Case No.

Resolution No.

Adopted:

Council(wo)man

offered the following resolution and moved its adoption:

**RESOLUTION APPOINTING THOMAS E.  
MUSCARELLA COUNCILPERSON OF THE  
SECOND COUNCILMATIC DISTRICT OF  
THE TOWN OF HEMPSTEAD**

**WHEREAS**, a vacancy exists in the Office of Councilperson of the Second Councilmatic District of the Town of Hempstead by reason of the resignation of Edward A. Ambrosino; and

**WHEREAS**, Thomas E. Muscarella of Garden City, New York is a person qualified to fill said vacancy;

**NOW, THEREFORE, BE IT**

**RESOLVED**, Thomas E. Muscarella of Garden City, New York, be and he hereby is appointed to the Office of Councilperson of the Second Councilmatic District of the Town of Hempstead, to hold said office until December 31, 2019.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 23

Case # 30112

Adopted:

Council  
moved for its adoption:

offered the following resolution and

RESOLUTION ADOPTING A S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH AN APPLICATION FOR SITE PLAN APPROVAL FOR A PARCEL OF LAND LOCATED IN OCEANSIDE, COUNTY OF NASSAU, STATE OF NEW YORK.

WHEREAS, the applicant, Oceanside Marine Terminals, LLC, has submitted to the Town of Hempstead an application for site plan approval for a 2.69 parcel of land located at 3645 Hampton Road, Oceanside, New York; and

WHEREAS, the purpose of the proposed site plan approval is to allow for the construction of a 10,000 square foot building with Truck Storage and Office Space and a 7,067 square foot Truck Storage Area with parking for 50 cars; and

WHEREAS, the applicant has submitted to the Town of Hempstead an Environmental Assessment Form (E.A.F.); and

WHEREAS, said E.A.F. has been reviewed by the Town Attorney of the Town of Hempstead and his staff and the significance of all environmental considerations, including those enumerated in 6NYCRR part 617.7c, have been thoroughly evaluated to ascertain whether adverse environmental impacts will result; and

WHEREAS, the proposed action is an Unlisted Action as defined in 6NYCRR Part 617; and

WHEREAS, upon completion of said review, the Town Attorney has made a recommendation to the Town Board; and

WHEREAS, the Town Board, after due consideration of the recommendation of said Town Attorney considers the project to be an Unlisted Action and will not have a significant effect on the environment for the following reasons:

The Proposed Action will not result in any significant physical alterations to the site.

The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have any significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board is "Lead Agency" for the proposed site plan for site plan approval for said parcel of land located in Oceanside, New York; and

BE IT FURTHER

RESOLVED, that the proposed action is an Unlisted Action pursuant to Part 617.6 and will not have a significant adverse impact on the environment; and BE IT FURTHER

RESOLVED, that the Town Board hereby declares that a Declaration of Non-Significance in connection with the proposed site plan approval is consistent with considerations of public interest; and BE IT FURTHER

RESOLVED, that the S.E.Q.R. process has been satisfied and completed with the completion of the above-mentioned review and duly approved Negative Declaration.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Adopted:

Council  
moved for its adoption:

offered the following resolution and

RESOLUTION ADOPTING A S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH AN APPLICATION FOR A "SPECIAL EXCEPTION" FOR A PARCEL OF LAND LOCATED IN WESTBURY, COUNTY OF NASSAU, STATE OF NEW YORK.

WHEREAS, the applicant, Alfalfa Carco, LLC, has submitted to the Town of Hempstead an application for a "Special Exception" to permit a Public Garage for Automotive Repairs and Service on a parcel of land located on the southwest corner of Corporate Drive and Merrick Ave., Westbury, New York; and

WHEREAS, the purpose of the proposed "Special Exception" is to allow for the renovation of an existing one-story 7,923 square foot Restaurant and to construct a one-story 1,840 square foot addition to the existing building to be used for Automotive Repairs and Service; and

WHEREAS, the applicant has submitted to the Town of Hempstead an Environmental Assessment Form (E.A.F.); and

WHEREAS, said E.A.F. has been reviewed by the Town Attorney of the Town of Hempstead and his staff and the significance of all environmental considerations, including those enumerated in 6NYCRR part 617.7c, have been thoroughly evaluated to ascertain whether adverse environmental impacts will result; and

WHEREAS, the proposed action is an Unlisted Action as defined in 6NYCRR Part 617; and

WHEREAS, upon completion of said review, the Town Attorney has made a recommendation to the Town Board; and

WHEREAS, the Town Board, after due consideration of the recommendation of said Town Attorney considers the project to be an Unlisted Action and will not have a significant effect on the environment for the following reasons:

The Proposed Action will not result in any significant physical alterations to the site.

The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have any significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board is "Lead Agency" for the proposed "Special Exception" for said parcel of land located in Westbury, New York; and

BE IT FURTHER

RESOLVED, that this proposed action is an Unlisted Action pursuant to Part 617.6 and will not have a significant adverse impact on the environment; and BE IT FURTHER

RESOLVED, that the Town Board hereby declares that a Declaration of Non-Significance in connection with the proposed "Special Exception" is consistent with considerations of public interest; and BE IT FURTHER

RESOLVED, that the S.E.Q.R. process has been satisfied and completed with the completion of the above-mentioned review and duly approved Negative Declaration.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Case No.

Resolution No.

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION DECLARING THE TOWN BOARD LEAD AGENCY FOR SEQRA PURPOSES AND ADOPTING A DETERMINATION OF SIGNIFICANCE - POSITIVE DECLARATION IN ACCORDANCE WITH THE NYS ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR PROPOSED AMENDMENTS TO THE TOWN OF HEMPSTEAD ZONING ORDINANCE CREATING THE BALDWIN MIXED-USE OVERLAY DISTRICT**

**WHEREAS**, in August 2018, the Town Board accepted the Baldwin Downtown and Commercial Corridor Resiliency (DCCR) Study, which was the culmination of a comprehensive planning effort that reviewed existing economic and physical conditions along the corridor and outlined a series of strategies and projects that would address critical issues and contribute to a more resilient, safe, and sustainable future for the Baldwin community, and

**WHEREAS**, a key recommendation of the DCCR Study was the creation of a new overlay district along the corridor that would encourage the development of a walkable, compact and transit-oriented downtown with a mix of residential, retail and commercial uses supported by enhanced infrastructure, and

**WHEREAS**, the subject property is situated in Baldwin in the unincorporated area of the Town of Hempstead, and is made up of approximately 87 acres along the Grand Ave. corridor consisting of 185 individual tax lots, with approximate boundaries of the corridor being Florence Street and Milburn Avenue to the north, and Merrick Road between Gale Avenue and Park Avenue to the south; and between Chestnut Street/Rockwood Avenue to the west, and Milburn Avenue to the east, and includes the Baldwin Long Island Railroad (LIRR) station at Grand Avenue and Sunrise Highway, and

**WHEREAS**, the Town Board is considering, in consultation with VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. ("VHB") and Vision Long Island, a Baldwin Mixed-Use Overlay District ("the Proposed Action"), with accompanying Design Guidelines, for the Grand Avenue corridor in the hamlet of Baldwin to facilitate private investment and economic development by leveraging the area's proximity to public transportation and promoting mixed-use transit-oriented development around the Baldwin LIRR station, and

**WHEREAS**, the Town Board, in consultation with VHB and Vision Long Island, has developed a draft zoning ordinance known as the Baldwin Mixed-Use Overlay District, with accompanying Design Guidelines, to facilitate high-quality and economically viable development within the Grand Avenue corridor of the hamlet of Baldwin, and

**WHEREAS**, pursuant to NYCRR Part 617 of the State Environmental Quality Review Act, the Town Board seeks to conduct an environmental review of this project, and

**WHEREAS**, the Town Board has preliminarily identified the Proposed Action as a Type I Action in accordance with the New York State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, pursuant to 6 NYCRR 617.6(b)(2)(i), for Type I actions involving more than one agency, a lead agency must be established prior to a determination of significance, and

**WHEREAS**, 6 NYCRR 617.6(b)(3)(i) requires that when an agency proposes to approve a Type I action undergoing coordinated review with other agencies, it must, as soon as possible, transmit Part 1 of the Environmental Assessment Form (EAF) completed by the project sponsor and a copy of any applications it has received to all involved agencies and notify them that a

Item # 26

Case # 30114

lead agency must be agreed upon within 30 calendar days of the date the EAF was transmitted to them, and

**WHEREAS**, the Town Board declared its intent to be lead agency on March 8, 2019 and followed the above mentioned procedure, received no objection from the other involved agencies during the ensuing 30-day period, and

**WHEREAS**, the Town Board has caused to be prepared Parts 1, 2, and 3 of a Full Environmental Assessment Form of the EAF (collectively "the EAF") to analyze and evaluate potential significant adverse environmental impacts associated with the proposed action, as described above, and has reviewed the aforesaid EAF and agrees with the contents therein, and

**WHEREAS**, the Town Board has compared the potential impacts of the proposed action, as set forth in Parts 2 and 3 of the EAF, with the criteria set forth in 6 NYCRR 617.7(c), and

**WHEREAS**, the Town Board has reviewed the aforesaid issues analyzed in the EAF and its attachments which include the potential for adverse environmental impacts, after due consideration, has found that the proposed action may have significant adverse impacts on the environment for the following reasons:

1. Implementation of the proposed action is designed to facilitate redevelopment over multiple years, which may involve the excavation of material (e.g., for foundations and basements, drainage infrastructure) and potential transport of material, and may result in the alteration of land surfaces. As such, the proposed action has the potential to result in construction-related impacts and may alter local stormwater runoff patterns as well.
2. Construction activities may result in adverse traffic impacts.
3. New development that may be permitted upon implementation of the proposed action has the potential to result in a future increase in the demand for potable water.
4. New development permitted under the proposed action may require the bulk storage of petroleum or chemical products (e.g., fuel oil) over a sole source aquifer, which has the potential to impact groundwater resources.
5. The proposed action would result in development of lands within the 100- and 500-year floodplain, and there has been historic flooding in the area. Impacts associated therewith must be evaluated, and appropriate mitigation measures identified.
6. Redevelopment activities could result in erosion and sedimentation, and these issues, as well as stormwater management must be assessed.
7. Redevelopment and the potential impacts relating to climate change and sea level rise must be assessed.
8. Future development under the proposed action could have a significant impact on the visual resources of the Town, which could be viewed by a large number of people, including residents, motorists, pedestrians, bicyclists and public transportation users.
9. There are two properties located within the study area that have been determined by the New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing in the State and National Registers of Historic Places: the Koch Building and the Baldwin Public Library. Portions of the study area are also designated as sensitive for archaeological sites.
10. Development under the proposed action may result in increased trip generation that would impact area roadways.
11. Nassau County is proposing a Complete Streets project on Grand Avenue in Baldwin. The consistency of the proposed action with that project must be assessed.

12. Implementation of the proposed action may place an increased demand on parking facilities and the availability of parking.

13. The ultimate redevelopment in the study area may result in significant energy usage. As of the time of adoption of this Determination of Significance, there is uncertainty regarding the approval of the Northeast Supply Enhancement Project. National Grid has publicly stated that if that project is not approved, there may be a moratorium placed on natural gas connections.

14. During construction, significant noise impacts could occur.

15. Redevelopment activities could result in lighting impacts.

16. Implementation of the proposed action may result in development that would change the types and intensity of land uses, which could impact neighborhood character.

17. Future development resulting from the implementation of the proposed action may result in an increased demand for community services, such as schools, fire protection, police protection, solid waste and recreational resources. And

**WHEREAS**, the Town Board has caused a Draft Scope to be prepared in accordance with 6 NYCRR 617.8(b),

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Hempstead Town Board hereby declares itself to be lead agency for the project described as Baldwin Mixed-Use Overlay District ("the Proposed Action") pursuant to NYS Environmental Quality Review Act, 6 NYCRR 617.6(b) for the environmental review of such project; and be it further

**RESOLVED**, the Hempstead Town Board, based upon review of the proposed action, the EAF and attached documents, and 6 NYCRR 617.4(b)(2), as lead agency for the action contemplated herein, hereby determines that the proposed action is classified as a Type I action; and be it further

**RESOLVED**, that based upon the information set forth above in the EAF and associated documents, the Hempstead Town Board as lead agency for the proposed action contemplated herein, and the criteria set forth in 6 NYCRR 617.7(c), hereby determines that the proposed action may have one or more significant adverse impacts on the environment, and thus, an Environmental Impact Statement (EIS) must be prepared; and be it further

**RESOLVED**, that based upon the foregoing, the Hempstead Town Board hereby adopts the annexed Positive Declaration; and be it further

**RESOLVED**, the Town Board hereby determines formal scoping will be conducted and a public meeting will be held on May 6, 2019 at 7p.m. at the Town of Hempstead Town Hall; and be it further

**RESOLVED**, that the Town Board hereby directs the Town Clerk to file, distribute and publish the Positive Declaration and Draft Scope in accordance with the requirements of 6 NYCRR 617.12(b)(c).

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

**TOWN OF HEMPSTEAD**

**Building Zone Ordinance**

**Proposed Zoning Amendments to Create a Baldwin Mixed-Use Zoning Overlay District**

**Article XLII. Baldwin Mixed-Use Overlay District (B-MX)**

**§ 422. Statement of intent and purpose.**

**A. Background.**

- (1) Downtown Baldwin, centered along Grand Avenue and the Baldwin LIRR station, is the commercial backbone of the Baldwin community. However, the economic health and resiliency of this commercial corridor has been affected by its lack of private sector investment, discontinuity of uses, and history of vacancies. Development patterns along this corridor have been varied and inconsistent.
- (2) The Baldwin community has long recognized the importance of the Grand Avenue corridor. The community envisions a downtown that is vibrant and pedestrian-friendly, with an active, compact, multi-modal LIRR station area at the center of the hamlet. This vision also incorporates a mix of land uses and innovative green infrastructure components to create a place where residents, commuters and visitors can shop, dine, and recreate.
- (3) In May 2017, the Baldwin Downtown and Commercial Corridor Resiliency (DCCR) Study was published. This report was the culmination of a comprehensive planning effort that reviewed existing economic and physical conditions along the corridor and outlined a series of strategies and projects that would address critical issues and contribute to a more resilient, safe, and sustainable future for the Baldwin community. A key recommendation of the DCCR Study is the creation of a new overlay district along the corridor that would encourage the development of a walkable, compact and transit-oriented downtown with a mix of residential, retail and commercial uses supported by enhanced infrastructure.

**B. Purpose and legislative intent.**

- (1) In response to the needs of the Baldwin community, and following the recommendations put forth in the DCCR Study, the Town of Hempstead hereby enacts a new Article of the Town of Hempstead Building Zone Ordinance, which will create a new overlay district to be known as the "Baldwin Mixed-Use Overlay District (B-MX)."
- (2) The primary goal of the B-MX District is to facilitate private investment, public benefits and economic development within downtown Baldwin. The new overlay district seeks to leverage the area's proximity to public transportation by promoting mixed-use transit-oriented development around the Baldwin LIRR station to meet increasing demands for housing and retail uses, drive foot traffic, implement transportation and infrastructure improvements necessary to accommodate future growth and enhance the visual quality and pedestrian amenities through the implementation of design guidelines, which are contained as an appendix to the Building Zone Ordinance (see "Baldwin Mixed-Use Zoning Overlay District (B-MX) Design Guidelines").
- (3) The B-MX District regulations, as an overlay district, have been designed to minimize the creation of non-conformities with underlying zoning.
- (4) With the stated goals in view, this article is enacted with the intention of promoting the health, safety and general welfare of the Town of Hempstead and its residents.

**§ 423. Title.**

This article shall be known and cited as the "Baldwin Mixed-Use Overlay District (B-MX) Article" of the Town of Hempstead.

**§ 424. Definitions.**

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definition shall be controlling:

**Mixed-Use**

A building with both residential and commercial uses.

**Assisted Living-** An establishment for the long-term residential care of the aged and infirm, such as congregate-care and assisted living facilities, but not including nursing homes, convalescent homes or substance abuse treatment centers.

**§ 425. General Provisions.**

- A. Interpretation; conflicts with other provisions.
  - (1) In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
  - (2) In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.
- B. Severability. If any clause, sentence, section, paragraph or provisions of this article shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this article but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly involved in the controversy in which such judgment shall have been rendered.

**§ 426. Applicability; Design Review; Subdistricts.**

In the B-MX District, the following regulations shall apply:

- A. The area within Baldwin designated B-MX is largely developed. As a result, the B-MX District has been designed as an overlay district, with the zoning regulations and Design Guidelines described herein, applicable to new development, redevelopment, and building expansions which result in a ten-percent or greater increase in the building's floor area. For existing uses and rehabilitations and expansions less than 10% of the gross floor area, existing zoning regulations shall still apply, and the Design Guidelines shall not apply.
- B. Design Guidelines have been established for the B-MX Overlay District in order to create a high-quality, pedestrian friendly environment. The principles described in the Baldwin Mixed-Use Design Guidelines are not mandatory development standards. However, all projects shall incorporate and demonstrate how these design principles meet the purpose and intent of the guidelines. In reviewing applications, the Design Review Board, which is hereby established, shall follow the criteria of the Baldwin Mixed-Use Design Guidelines and B-MX Overlay District Design Guidelines Checklist contained as an appendix to the Building Zone Ordinance.<sup>(1)</sup> The ultimate approval of projects will be judged in accordance with these design guidelines.  
<sup>(1)</sup> Editor's Note: Said guidelines are an appendix to the BZO.
- C. For purposes of this article, the B-MX District shall be divided into three subdistricts as indicated on the Zoning Map described in § 431 of this article. These subdistricts include:
  - (1) Baldwin – Mixed-Use, Transit-Oriented Development (B-MX, TOD).
  - (2) Baldwin – Mixed-Use, Merrick Road Gateway (B-MX, MRG).
  - (3) Baldwin – Mixed-Use, Commercial Transition (B-MX, CT).

**§ 427. Permitted uses.**

- A. In the B-MX Zoning District, the following uses shall be permitted uses:
  - (1) Professional office, bank or financial institution
  - (2) Pharmacy/drugstore
  - (3) Retail trade and personal services, including supermarkets
  - (4) Restaurants, including outdoor dining as an accessory thereto, but excluding lunch wagons, drive-in restaurants, drive-in luncheonettes, drive-thrus, drive-in counter or drive-in refreshment stands.
  - (5) Health and fitness establishments
  - (6) Multiple-family dwelling
  - (7) Assisted living
  - (8) Mixed-use, as defined in this article
  - (9) Parking field, either public or private, for the parking of passenger vehicles only, but not for display or sale of automobiles.

- B. Special permit uses. The following special uses, when approved by the Town Board, are permitted:
- (1) Hotels.
  - (2) Dormitory/Graduate Student style housing.
  - (3) Cabarets.
  - (4) Bowling alleys, skating rinks, and arcades.
- C. Accessory uses. The following uses customarily incidental to permitted, and special permit uses if approved, shall be permitted in the B-MX Overlay District:
- (1) Off-street parking and loading, including parking structures.
  - (2) Open space or plaza areas.
- D. Religious and educational uses shall be governed by Article XXXIX of this Ordinance.

**§ 428. Prohibited uses.**

- A. In the B-MX Zoning District, the following uses shall be prohibited:
- (1) Any use prohibited by Article XXXVII of this Ordinance.
  - (2) Car wash
  - (3) Check-cashing establishment
  - (4) Drive-in theater
  - (5) Dry cleaning or laundromat services done on-site (drop-off/pick-up permitted).
  - (6) Gambling or games of chance establishment
  - (7) Gasoline station, motor vehicles repair or auto body shop
  - (8) Kennel or pet-boarding facility
  - (9) Motel
  - (10) New or used automotive showroom or car lot
  - (11) Outdoor storage use
  - (12) Pawnshop, including auction house
  - (13) Tattoo Parlors
  - (14) Residential dwelling units on the ground floor of any building.
  - (15) Any use not permitted in section §427 Permitted Uses.

**§ 429. Lot and bulk controls.**

- A. Consistent with primary goals of the B-MX District, the following lot and bulk controls allow for greater intensities of development for properties fronting Grand Avenue and Sunrise Highway closest to the Baldwin LIRR station (B-MX, TOD). The lot and bulk controls for the B-MX, B-MRG subdistrict facilitate private investment, public benefits and economic development within the area around the intersection of Merrick Road and Grand Avenue. The B-MX, CT subdistrict facilitates appropriately scaled mixed-use commercial development in transition areas along the Grand Avenue corridor.

	B-MX, TOD	B-MX, MRG	B-MX, CT
1. Maximum floor area ratio	2.0	1.5	1.0
2. Maximum building area coverage	90% for commercial buildings 60% for mixed-use or multiple-family buildings	90% for commercial buildings 60% for mixed-use or multiple-family buildings	75% for commercial buildings 40% for mixed-use or multiple-family buildings
3. Maximum residential density for multifamily and mixed-use buildings	60 units/acre	45 units/acre	30 units/acre
4. Maximum building height	max 75 feet	max 60 feet	max 45 feet
5. Maximum building setback from front lot line (build to line), except for pedestrian plaza areas	0 feet	0 feet	10 feet
6. Minimum side yards	None required	None required	None required
7. Minimum rear yard	0 <sup>(1)</sup>	0 <sup>(1)</sup>	0 <sup>(1)</sup>
8. Minimum landscaped buffer area when adjacent to residential uses	25 feet	25 feet	25 feet

<sup>(1)</sup> The depth of the rear yard shall be increased five feet for each 12 feet of portion thereof by which the building exceeds forty (40) feet in height.

B. Yard setbacks.

A. Front yards.

1. Notwithstanding the foregoing, a roof, mansard, awning, or similar projection not exceeding 24 inches beyond the front property line shall be a permitted encroachment.

C. Screening. Any storage area or parking area shall be screened from all abutting uses, including public rights-of-way. Such screening shall consist of a hedge, fence or wall, with a minimum height of four feet and a maximum height of six feet, except that within a radius of 20 feet of the point formed by any intersecting property lines adjacent to roads or highways, the maximum height shall be 30 inches, such screening to be sufficient to obscure such area in an effective manner and during all seasons of the year.

D. Fences. No fence or wall more than six feet in height may be erected without a permit and authorization by the Board of Appeals pursuant to Article XXVII hereof. No fence shall be permitted in the front yard or the side yard if located on a corner lot.

E. Signs. Signs, which are authorized under the provisions of Article XXIV, are permitted, subject to consistency with the Baldwin Mixed-Use Design Guidelines.

**§ 430. Off-street parking.**

Accessory parking. Accessory off-street automobile parking spaces shall be provided on the same lot or premises or off the premises within 300 feet of such premises. The minimum number of accessory parking spaces required shall be determined by the type of each included use and shall be calculated as follows.

Use	B-MX, TOD	B-MX, MRG and B-MX, CT
Retail/Commercial	1 space per 300 square feet	1 space per 300 square feet
Multifamily Apartment: Studios	1 space per unit	1 space per unit
Multifamily Apartments: One-bedroom units	1 space per unit	1.3 space per unit
Multifamily Apartments: Two-bedroom units	1.5 spaces per unit	1.75 spaces per unit
Multifamily Apartments: Three or more bedroom units	1.75 spaces per unit	2 spaces per unit
Assisted Living	1 space per bed	1 space per bed
Graduate student housing	1 space per bed	1 space per bed
Other permitted uses	in compliance with §319 of this ordinance; each parking space shall comply with all requirements of §319D of this ordinance	

**§ 431. Amendment of the Zoning Map**

In furtherance of the implementation of this article, and to specifically identify the particular areas within Baldwin placed into the overlay B-MX District and three subdistricts established herein, a particular zoning map dated February 22, 2019, prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, P.C., and entitled "Baldwin – Mixed-Use Rezoning Map," has been filed in the office of the Town Clerk, and in all other places required by law or otherwise for the filing of zoning maps of the Town. This map is incorporated herein by reference. It identifies the areas in the overlay B-MX District and subdistricts, and upon the effective date of this article, it shall apply in those areas to the extent provided in this article or otherwise at law.

**§ 432. Administration and Procedure.**

The review and approval process for new development, redevelopment, and building expansions which result in a ten percent or greater increase in the building's floor area in the B-MX District, shall be as follows:

A. A building permit application shall be submitted to the Buildings Department. In addition to all otherwise required documentation, an applicant shall also submit all materials necessary

for review by the Design Review Board, including a consistency analysis with the SEQRA Conditions and Thresholds set forth in the Findings Statement adopted by the Town Board. The Design Review Board will determine the level of SEQRA review required in accordance with 6 NYCRR §617.10. The Plans Examiner shall, upon the submission of a complete application, conduct a zoning compliance review and review for compliance with the State Environmental Quality Review Act ("SEQRA").

**B. The Design Review Board.** Upon complete review of zoning and SEQRA compliance, the application shall be referred to the Design Review Board for purposes of applying the Baldwin Mixed Use Zoning Overlay District (B-MX) Design Guidelines.

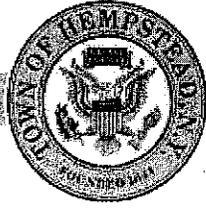
- (1) The Design Review Board shall consist of three employees of the Department of Buildings with site plan review backgrounds, appointed by the Town Board. Approval by the Design Review Board shall be necessary prior to the issuance of a sign permit or a building permit for new development, redevelopment, and building expansions which result in a ten-percent or greater increase in the building's floor area.
- (2) Prior to the Public Hearing of the Design Review Board, a public notice, prepared by the Design Review Board, shall be published at least 10 days prior to the date fixed for such public hearing in a newspaper of general circulation in the Town of Hempstead and shall be noticed on the Town's website at least 10 days prior to the public hearing. The notice shall state the general nature of the application, the applicant, and the location of the property. Said notice shall be mailed by the applicant no more than 28 days and no less than 21 days prior to the Design Review Board's hearing by certified mail to all property owners within a 300 foot radius of the subject application's property boundaries, and the applicant shall file an affidavit of mailing, with the certified mail receipts, with the Design Review Board prior to the public hearing.
- (3) A sign noticing said public hearing shall be posted at said location at least 21 days prior to the date fixed for such public hearing. Said sign(s) shall be located in each front yard setback of the subject premises; shall be at least 24 square feet in area; shall provide the words "NOTICE OF PUBLIC HEARING" and the date, place and time of the public hearing, and the general nature of the application in black letters at least six inches high with a background color of the face of the sign either bright orange or bright yellow.
- (4) In reviewing applications, the Design Review Board shall substantially follow the criteria of the Baldwin Mixed Use Zoning Overlay District (B-MX) Design Guidelines and B-MX Overlay District Design Guidelines Checklist contained as an appendix to the Building Zone Ordinance. The ultimate approval of projects will be judged in accordance with these design guidelines.
- (5) If the application is compliant with zoning and SEQRA, then the Design Review Board, acting as Lead Agency, may issue a Negative Declaration.
- (6) The Design Review Board shall have the powers granted by the Town Law and the power to approve, disapprove, or grant with conditions applications for Design Review Board approval for properties within the B-MX District. The Design Review Board shall render a written determination within 30 days of the completion of the public hearing, and may issue findings of fact.
- (7) If the Design Review Board does not vote for changes to the plan, or votes for changes to the plan and the applicant consents to the changes, and the project is compliant with zoning and SEQRA, then the application can be circulated to State, County, and Town departments for approvals. Once all State, County, and Town approvals are obtained, the Building Department will issue a Building Permit. Site

plan approval under § 305 will not be required. The project will not require a Town Board hearing.

(8) Anyone aggrieved by the decision of the Design Review Board may appeal same to the Board of Appeals.

- C. If an application is not zoning compliant, or if the Design Review Board cannot issue a Negative Declaration under SEQRA, then upon completion of review and decision by the Design Review Board, the application shall be referred to the Town Board for a public hearing to determine the approval or disapproval of the application. In the event that the Town Board approves said application, it may attach certain conditions to said approval, which conditions shall become an integral part thereof. The Town Board may, by resolution, dispense in part with conformity with the provisions applicable to the B-MX District and may impose safeguards and conditions as it may deem appropriate, necessary or desirable to promote the spirit and objectives of this section, including but not limited to restrictive covenants pertaining to any area within the district that is the subject of an application, including the site plan submitted on behalf of the application, together with other agreements, if any, in recordable form and running with the land. If the Town Board approves an application, the application shall then be circulated to State, County, and Town departments for approvals. Once all State, County, and Town approvals are obtained, the Building Department will issue a Building Permit. Site plan approval under § 305 will not be required. The project will not require a second Town Board hearing.

DRAFT



DRAFT MARCH 2019

BALDWIN MIXED-USE  
ZONING OVERLAY  
DISTRICT (B-MX)



**DESIGN  
GUIDE  
LINES**



ACKNOWLEDGMENTS

Town of Hempstead Supervisor

Hon. Laura Gillen

Town of Hempstead Council Members

Hon. Dorothy L. Goosby

Hon. Edward A. Ambrosino

Hon. Bruce A. Blakeman

Hon. Anthony P. D'Esposito

Hon. Erin King Sweeney

Hon. Dennis Dunne, Sr.

PREPARED BY



VHB Engineering, Surveying,  
Landscape Architecture & Geology, P.C.

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# Introduction

In May 2017, the Baldwin Downtown and Commercial Corridor Resiliency (DCCR) Study was published. This Study was the culmination of a comprehensive planning effort that reviewed existing economic and physical conditions along the Grand Avenue corridor and outlined a series of specific projects and strategies that contribute to a more resilient, safe, and sustainable future for the Baldwin community. A key recommendation of the DCCR Study is the creation of a new mixed-use overlay zoning district along the corridor that encourages the development of a walkable, compact and transit-oriented downtown with a mix of residential, retail and commercial uses supported by new infrastructure accommodations and planned MTA/ LIRR station enhancements.

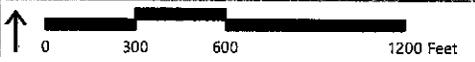
The Baldwin Mixed-Use Zoning Overlay District (B-MX) focuses on downtown Baldwin, centered along Grand Avenue and the Baldwin LIRR station (see Map 1). Grand Avenue is the commercial backbone of the Baldwin community. However, the economic health and resiliency of this commercial corridor has been affected by its lack of private sector investment, discontinuity of uses, and history of vacancies. The Baldwin community has long recognized its assets and envisions a downtown that is vibrant and pedestrian-friendly, with an active, compact, multi-modal LIRR station area at the center of the hamlet. This vision also incorporates a mix of land uses and innovative green infrastructure components to create a place where residents, commuters and visitors want to shop, dine, and recreate.

During the course of creating the B-MX District, concern for the aesthetic quality of the built environment within the targeted revitalization area was expressed by the Town. A key goal is to establish new development that contributes positively towards the creation of a cohesive and aesthetically pleasing environment for the residents, businesses and larger community. The guidelines developed herein will help to achieve the desired outcomes for the Baldwin Revitalization Area.

## Purpose and Scope

These design guidelines serve as a guide to residents, developers, and design professionals that are interested in developing, expanding, and rehabilitating buildings or properties within the Baldwin Revitalization Area. The guidelines are also a useful tool for the planning, design, and evaluation of the proposed development or rehabilitation for the Town's Design Review Board (as established in the Baldwin Mixed-Use Zoning Overlay District) that will be reviewing these projects. By following the guidelines, applicants are likely to find that their review process will move along more efficiently (i.e. fewer design revisions, more community support, etc.).

MAP 1: B-MX Overlay Boundary



-  B-MX Overlay Boundary
-  Parcels within the B-MX Boundary

## B-MX DESIGN GUIDELINES

This document provides guidance on the following topics:

- Architecture
- Awnings
- Exterior Lighting
- Signage
- Service Areas
- Parking
- Streetscaping
- Landscaping
- Sustainability and Green Design

This document contains recommendations and visuals of best practices as well as examples of preferred solutions and situations to avoid.

### Review and Approval Process

The Design Guidelines will be implemented in accordance with the Hempstead Building Zone Ordinance Article XLII Section 432 regulations governing the review and approval process in the B-MX District. As outlined, the following regulations shall apply:

There shall be a Design Review Board for purposes of applying the Baldwin Mixed-Use Zoning Overlay District (B-MX) Design Guidelines, which shall be governed as follows:

1. The Design Review Board shall consist of three employees of the Department of Buildings with site plan review backgrounds, appointed by the Town Board. Approval by the Design Review Board shall be necessary prior to the issuance of a sign permit or a building permit for new development, redevelopment, and building expansions which result in a ten-percent or greater increase in the building's floor area.
2. Prior to the Public Hearing of the Design Review Board, a public notice, prepared by the Design Review Board, shall be published at least 10 days prior to the date fixed for such public hearing in a newspaper of general circulation in the Town of Hempstead and shall be noticed on the Town's website at least 10 days prior to the public hearing. The notice shall state the general nature of the application, the applicant, and the location of the property. Said notice shall be mailed by the applicant no more than 28 days and no less than 21 days prior to the Design Review Board's hearing by certified mail to all property owners within a 300-foot radius of the subject application's property boundaries, and the applicant shall file an affidavit of mailing, with the certified mail receipts, with the Design Review Board prior to the public hearing.
3. A sign noticing said public hearing shall be posted at said location at least 21 days prior to the date fixed for such public hearing. Said sign(s) shall be located in each front yard setback of the subject premises; shall be at least 24 square feet in area; shall provide the words "NOTICE OF PUBLIC HEARING" and the date, place and time of the public hearing, and the general nature of the application in black letters at least six inches high with a background color of the face of the sign either bright orange or bright yellow.
4. In reviewing applications, the Design Review Board shall substantially follow the

#### B-MX DESIGN GUIDELINES

criteria of the Baldwin Mixed-Use Zoning Overlay District (B-MX) Design Guidelines and B-MX Overlay District Design Guidelines Checklist contained as an appendix to the Building Zone Ordinance. The ultimate approval of projects will be judged in accordance with these design guidelines.

5. If the application is compliant with zoning and SEQRA, then the Design Review Board, acting as Lead Agency, may issue a Negative Declaration.
6. The Design Review Board shall have the powers granted by the Town Law and the power to approve, disapprove, or grant with conditions applications for Design Review Board approval for properties within the B-MX District. The Design Review Board shall render a written determination within 30 days of the completion of the public hearing, and may issue findings of fact.
7. If the Design Review Board does not vote for changes to the plan, or votes for changes to the plan and the applicant consents to the changes, and the project is compliant with zoning and SEQRA, then the application can be circulated to State, County, and Town departments for approvals. Once all State, County, and Town approvals are obtained, the Building Department will issue a Building Permit. Site plan approval under § 305 will not be required. The project will not require a Town Board hearing.
8. Any applicant aggrieved by the decision of the Design Review Board may appeal same to the Board of Appeals.

If an application is not zoning compliant, or if the Design Review Board cannot issue a Negative Declaration under SEQRA, then upon completion of review and decision by the Design Review Board, the application shall be referred to the Town Board for a public hearing to determine the approval or disapproval of the application.

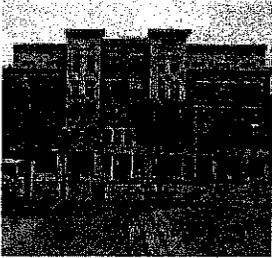
# 1

# Architecture

Architecture involves the exterior design elements and massing of a building. The shape, size, material and design of a building are an integral part of creating a community's character. All construction projects whether it is new development, additions, or rehabilitations should incorporate architectural elements that enhance and upgrade the aesthetic environment which will ultimately create a visually cohesive downtown.

## New Construction

1. Architectural designs should be evaluated in terms of the sensitive integration of form, textures and colors with the site and character of the surrounding area.
2. In general, new buildings should be rectangular or square in shape and consistent with existing building context.
3. Buildings fronting Grand Avenue, Sunrise Highway and Merrick Road can be built to the public right of way line. Outdoor gathering and dining space that expands the public realm is encouraged.
4. Materials and architectural elements should harmonize and not starkly contrast with the character of the surrounding area, while accommodating a potential contemporary expression and use of technology.



Examples of new construction that is consistent with the form and character of the surrounding area.



Examples of new development that evokes traditional design without replicating styles of the past. New development in the downtown should employ elements of traditional proportioning, rhythm and principles that contribute positively to streetwall unity and a strong, vibrant pedestrian environment.

B-MX DESIGN GUIDELINES



Architectural design, materials and treatment of the facades of buildings should wrap the building so the front and side facades are integrated.

5. Buildings in highly visible locations including primary corners along Grand Avenue, Merrick Road and Sunrise Highway should be designed to express and reinforce the importance of these locations.
6. Whenever the rear and side elevations of buildings and associated ground floor facades are adjacent to public areas such as streets and parking lots, the architectural design, materials, and treatment of these facades should wrap the building and be integrated with the building's front facade.
7. The exterior walls of new buildings should be constructed of durable, permanent materials. The use of reflective materials is discouraged. The exterior of residential dwellings should consist of metal, brick or wood. Appropriate exterior materials for commercial uses include brick, treated concrete or stone.
8. The design of buildings should vary the facade vertically and horizontally, especially at the street level, to help reinforce the pedestrian zone.
9. When new construction contains more than one store, an overall design approach should be shared by each of the stores.
10. Storefronts should provide interest and, where appropriate, should include pedestrian-oriented features to encourage pedestrian movement and activity.



Mixed use development with storefronts providing visual interest. Pedestrian-oriented features encourage pedestrian movement and activity.

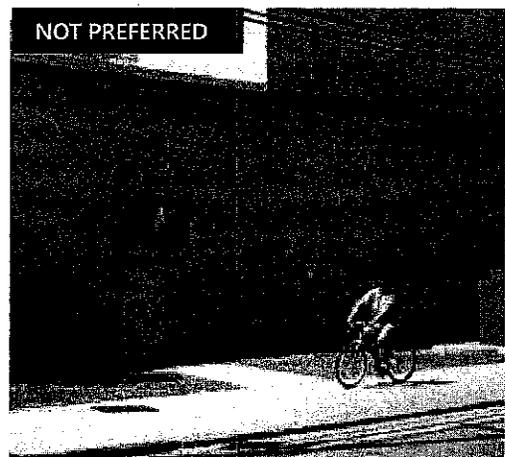
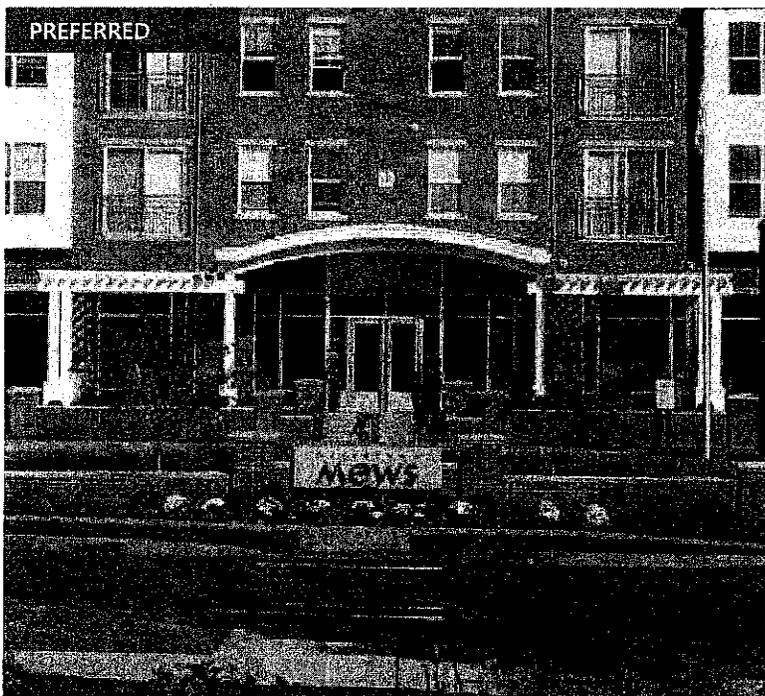


An example of development containing more than one store where an overall design approach is shared by each of the stores.

B-MX DESIGN GUIDELINES

11. New construction should be designed to strongly encourage retail, dining, and active business uses with both day and evening programming at the ground floor. Amenities in the public right-of-way are encouraged including public seating, outdoor dining, public art, planters, and seasonal decorations. If outdoor dining is proposed, a plan, drawn to scale, showing the proposed outdoor dining area with measurements, including a representation showing that at least four (4) feet of unobstructed sidewalk space will remain for pedestrians, shall be submitted to the Design Review Board.
12. Buildings that front on Grand Avenue, Sunrise Highway and Merrick Road must have at least one pedestrian entrance directly on these roads in order to maintain street presence and promote pedestrian activity.
13. Integrate new mechanical elements into architectural features of the building. Vertical roof projections such as vents or stacks should be screened.
14. Locate new mechanical systems and exhaust systems so that they do not vent onto pedestrian levels

Location of Building Entries



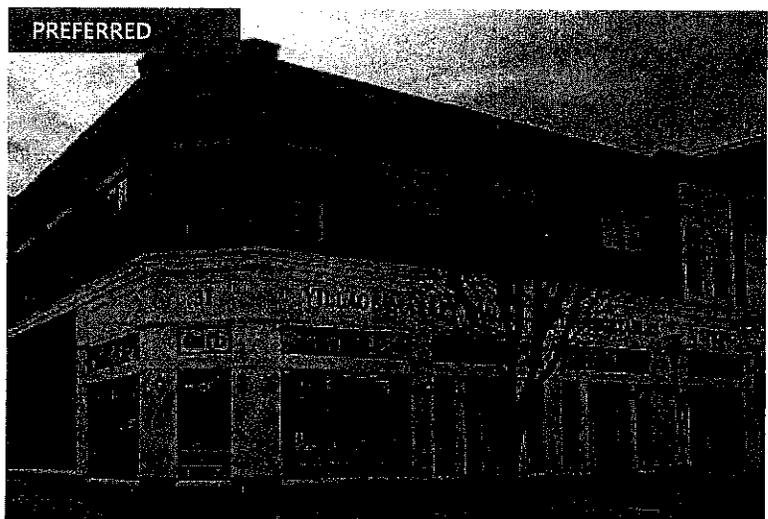
## Rehabilitation

15. Proposed improvements should be chosen to harmonize with the basic scale and character of the building including materials, display windows, transoms, mid-cornices and lighting.
16. When an existing building has a facade composed of stone, wood or brick, an effort should be made to retain the original material in its natural state.
17. When an existing ground-level storefront is rehabilitated, where feasible, existing architectural design and details should be identified and used as the basis for the renovation project.
18. When an existing building contains more than one store, a unified design approach should be shared by each of the proposed stores.
19. If replacement is required, use materials that match in color, size, profile, thickness, pattern, and texture to the existing material.
20. If replacement windows are necessary, efforts should be made to match original window materials, dimensions, glazing and trim.

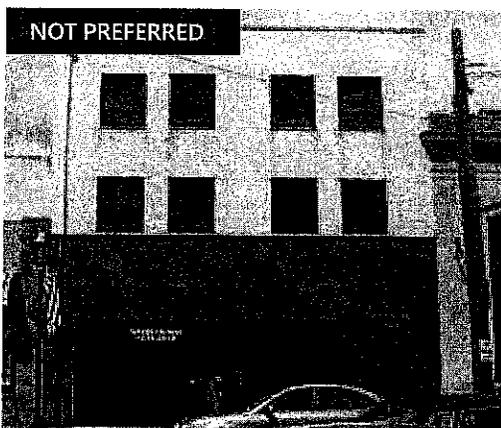


*Punch-through windows detract from "Main Street" character*

*Monolithic building facade inappropriate for "Main Street" environment; better suited for strip mall setting. Closed shutters on office windows disrupt pedestrian shopping interest*



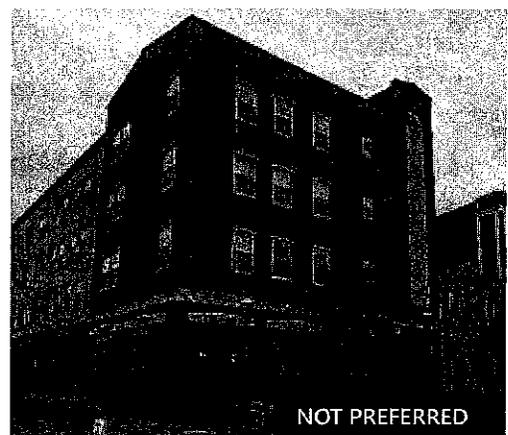
The first floor rehabilitation of this building incorporates attractive materials and architectural features that provide visual interest to the street front.



While attractive and constructed of quality materials, this facade retrofit presents a monolithic appearance, which does not contribute positively to the finer-grained appearance of a traditional Main Street. The building could also be improved with a cornice or cap.

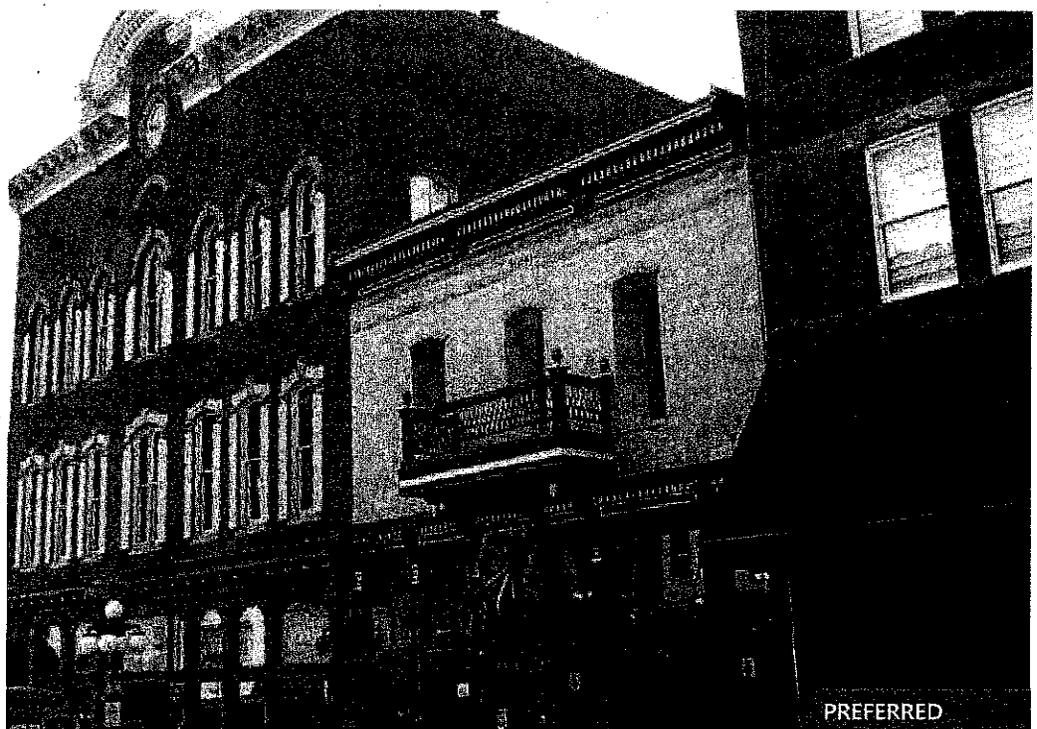
### Additions

21. All additions should harmonize with the basic scale and character of the building.
22. When designing additions, materials should be used that complement or match the existing building.
23. Plan the size and location of windows on additions to match the window and/or shutter patterns already on the existing building.
24. Existing building features such as a cornice design, materials, or arrangement of storefront glass should be incorporated into the building addition.



Examples poorly-designed additions where materials and architectural details are incohesive with the existing building.

An example of a well-designed addition where materials and architectural details complement the existing building.



## 2 Awnings

Awnings are a way of creating shade and pedestrian shelter from inclement weather. They can also provide signage for storefronts. When done right and maintained in good condition, they are an effective way of adding to the pedestrian experience.

25. Awnings over pedestrian walkways and sidewalks are encouraged to provide shade and rain protection while adding interest to a facade with shape and color.
26. Long expanses of awnings are discouraged. Awnings should have a pedestrian scale and be placed so as to provide weather protection and/or business identification to potential patrons of a business.
27. Use awning dimensions, materials, shapes, and styles that reinforce the pattern of existing businesses and the character of the building.



The same building ("before" and "after"): The installation of new signage, gooseneck lighting, and traditional awnings exemplifies an appropriate signage program and use of storefront lighting and awnings.

## 3

# Exterior Lighting

Exterior lighting is found within parking lots and along streets, sidewalks and pathways and it is typically located on the exterior of buildings. While exterior lighting is needed to add sight and security for the pedestrian and those using other forms of transportation, it is important to consider all sources of lighting before deciding where and how much additional exterior lighting will be added to any building. All lighting proximate to a building should work cohesively and meet the purpose it is designed for but not over illuminate an area where it becomes a nuisance to the neighboring properties and residents.

Projects in the Baldwin Mixed-Use Overlay for which review is required by the Design Review Board, shall be reviewed for conformance with these guidelines. Plans submitted for review and approval shall provide information sufficient to demonstrate compliance with the requirements of these Guidelines, including plan and elevation drawings, manufacturers' fixture cut-sheets, lamp type and wattage, and additional information that may be required under certain sections of these Guidelines, or as requested by Town staff or the Design Review Board, such as foot-candle plots or controls. Changes after approval are subject to the same review process.

28. Lighting should be organized in simple patterns such that it reinforces the basic structure of streets and sidewalks.
29. If a particular lighting pattern or lighting design element exists on a building or within an area, similar lighting should be utilized on building rehabilitations, new construction or additions.
30. Utilize "Dark Sky" lighting fixtures and place lighting to minimize glare and prevent stray light.
31. Lighting of parking areas and pathways to parking areas should be enhanced by low level lighting if necessary with the goal of minimizing light pollution

# 4 Signage

There are many different types of signs. Wall-mounted, free-standing, projecting, and window signs are typical signs located within a commercial area. While the types of signs are numerous, too many signs on a building can detract from the visual appearance of the commercial district. Further, the quality, material, and design of a sign can add to or detract from the character a community is trying to achieve.

## Sign Design

32. Signage should be in scale with the building facade.
33. Signs should be compatible with the placement, size, graphics, colors and style of the building as well as with neighboring buildings and signs.
34. Signs should be illuminated from the exterior rather than interior, if lighting is required. All sign lighting should be shielded and directed towards the signs. When internally illuminated, the background should be darker than the lettering.
35. Signs should be simple, unobtrusive and legible.

## Wall Signs

36. Wall signs should be placed above storefront display areas on the traditional sign cornice, sign band or lintel above the ground floor.
37. Wall signs should not conceal windows or the architectural details of the storefront and their placement should reinforce architectural features.
38. Signs should be of high quality materials. Flashing signs or signs with moving parts or changing electronic displays are prohibited.



This arrangement of signs blocks building elements and creates an image of visual clutter.



These signs work harmoniously with the architecture and create a more orderly appearance.

## Window Signs

39. Window signs should be simple. Window signs should cover less than 25% of the window area.



These signs located within a sign band work harmoniously with the architecture and create a more orderly and traditional appearance.

## Projecting Signs

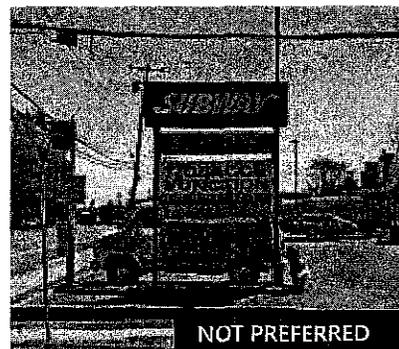
40. Projecting signs should be placed above the storefront display on the sign band or lintel above the ground floor and should fit within building modules.



Examples of attractive and appropriately placed projecting signage.

## Freestanding Signs

41. The use and type of free standing signs should be considered in the context of the overall setting. Monument or structured free-standing signs are preferred over single-pole (lollipop) free standing signs.



# 5

## Service Areas

All buildings require space for loading, storage and utility areas. These service areas should be designed to be as unobtrusive, both visually and physically, as possible.

42. All exterior service, loading, storage and utility areas should be located at the side or rear of the building and be screened or sheltered so as not to be visible from the street or adjacent parcels.
43. Loading docks should be located away from the main pedestrian thoroughfares and removed from public view. No direct loading should be permitted to be visible from Grand Avenue.
44. Outdoor service and storage areas, including garbage collection areas, should be screened from public view with landscaping and/or fencing.

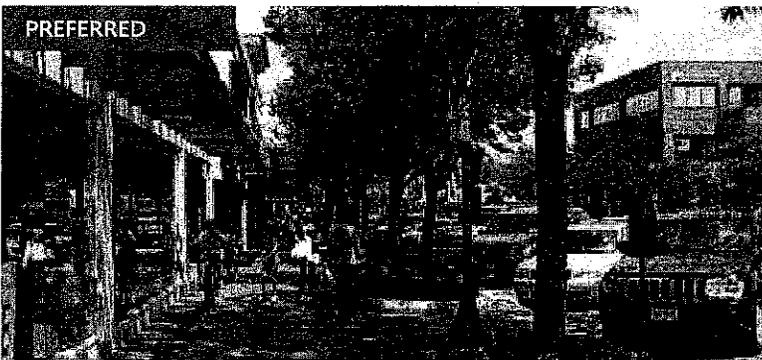
# 6 Parking

Parking, either surface or parking structures are a necessary component of developments. However, parking areas do not need to be the focal point of the development. Parking can be incorporated into the overall layout and design to ensure that the building and exterior architecture are the primary visual elements.

## Surface Parking

- 45. Parking in front of buildings is discouraged. Whenever possible, parking should be located to the side or rear of buildings. Where parking is in the front, landscaped buffers should be used between the sidewalk and parking area to assure that the visual effect of paved areas and standing automobiles is minimized.
- 46. Parking areas containing more than 20 spaces should incorporate landscaped islands, dividers and screenings.
- 47. The number of curb cuts should be minimized. Entrances and exits to parking areas should be designed so that they do not interfere with vehicular traffic movement, unduly inconvenience pedestrian travel, or create unsafe conditions.
- 48. Drive-through lanes should be located so that traffic does not conflict with pedestrian travel and should be allowed only for financial institutions.

### Examples of Surface Parking



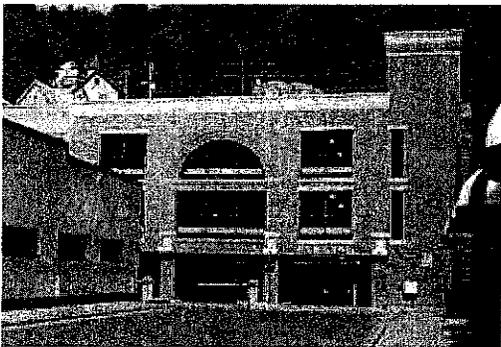
Parking should be located to the side or rear of buildings. Where parking is in front, landscaped buffers should be used, as in the figure above.

### Parking Structures

49. Large blank walls should be avoided in favor of fenestration patterns more closely resembling inhabited buildings.
50. Where possible, landscaping should be provided to minimize the visual impact of parking decks.
51. Parking garages, including entrances should not be located on Sunrise Highway, Merrick Road, or Grand Avenue.
52. Parking structures should be designed to have an external skin comprised of high quality materials to improve the visual character when exposed to prominent public view.
53. Ground floor treatments should provide screening to block views of parked vehicles, bumpers, and headlights from pedestrians using the adjacent sidewalk.
54. Where possible, the first-floor level of the garage should include retail or service uses that will maintain activity at the ground level.

Retail or service uses at the first-floor level of a parking garage will maintain activity at the ground level.

For parking garages, large blank walls should be avoided in favor of fenestration patterns more closely resembling inhabited buildings, as in the example above.



Parking structures exposed to prominent public view should be designed to have an external skin comprised of high quality, visually interesting materials to improve the visual character, as shown in the examples above.

# 7 Streetscaping

Streetscaping is an essential part of creating the pedestrian experience. It provides for street amenities and visual elements at the pedestrian level. It also incorporates safety elements for the pedestrian or bicyclist. While sidewalks and streetscaping furniture including benches, planters, and light poles are typically in the public right-of-way, many times these elements are requested by the community to be incorporated or upgraded as part of a redevelopment project.

All streetscaping improvements associated with new construction or rehabilitation of a site should be consistent with the design and function of the public realm and incorporate the parameters and recommendations of the 2017 Next Stop Resilient Baldwin: Downtown and Commercial Corridor Resiliency Study. These recommendations include:

55. Installation of landscaping and street trees, in addition to other pedestrian amenities, such as trash receptacles, decorative street lamps, and wayfinding signage, to “green” the streetscape and create an atmosphere that attracts visitors and patrons.
56. Retail and services catering to pedestrians should be encouraged at street-level to create an active streetscape.
57. Street amenities, such as continuous sidewalks, bus shelters, well designed crosswalks, lower-scale lighting, seating areas, waste receptacles, planters, and trees should be encouraged to make the sidewalk environment more comfortable for users.
58. New development should be designed to require compact growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of uses, green infrastructure and the provision of facilities that support transit use, bicycling and walking.



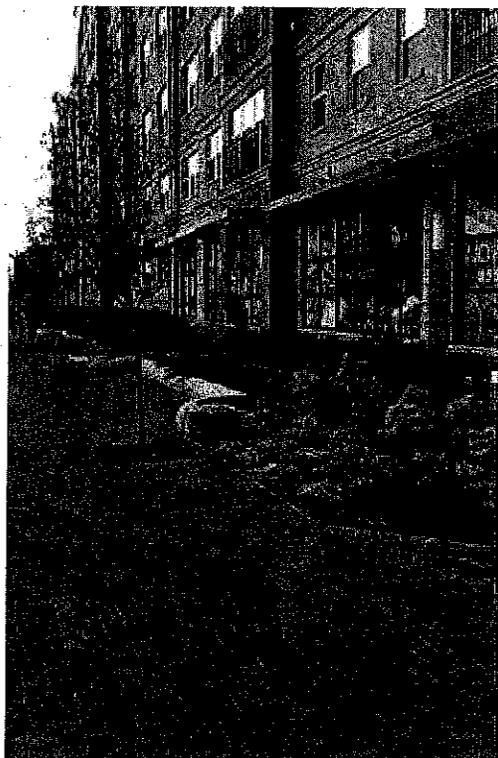
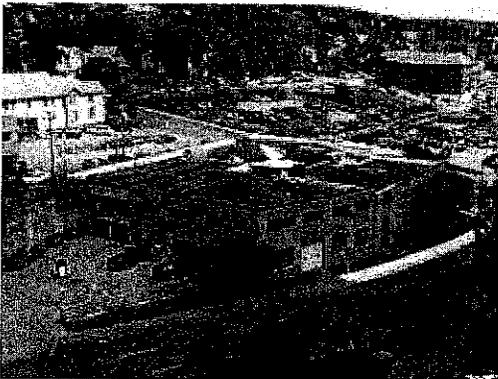
Examples of well-designed, pedestrian-friendly streetscapes.

# 8 Landscaping

Landscaping refers to all vegetative and ornamental features incorporated into a site to improve its appearance and attractiveness. Landscaping can also be used as a buffer or screen to parking and storage areas or to separate incompatible uses.

59. New development should be designed so as not to increase impervious surface areas, but rather, to decrease impervious surface areas when possible, and to provide additional opportunities for infiltration of runoff. Landscaping of new development should incorporate green infrastructure, in the form of vegetative controls or permeable pavements, to the extent possible.

Suggested vegetative controls for decreasing impervious surface and increasing infiltration of stormwater runoff include: 1) native and/or adaptive plants, or cultivated varieties of same for hybridized increased performance in disease/pest resistance, improved form, dwarf form, increased aesthetic traits, drought tolerance, etc.; and 2) including a post-plant establishment maintenance plan for the performance of green infrastructure vegetative controls (e.g. bio-retention facilities, bio-swales, stormwater planters, etc.). See **Appendix A** for a suggested general list of native/adaptive plantings, however final plant species-selection appropriateness should account for site-specific conditions (e.g. soil type and pH, sun exposure, wind, soil volumes, current pest/disease risks, height/size goals and/or restrictions, fruit litter, site visibility, maintenance expectations, etc.).



Examples of green infrastructure that reduces impervious surfaces (top left), well-designed landscaping features (bottom left), and consistent paving materials (right).

#### B-MX DESIGN GUIDELINES

60. Parking and service areas should be screened from major streets and public spaces with dense evergreen trees or shrubs. Brick walls and fences can also be used where spaces will not allow the use of plantings for screening.
61. Accent planting should be used around entries and key activity hubs. Screening should be used to protect less intensive uses from the impacts of more intrusive uses and to block views of less desirable features from public view (trash enclosures, etc.).
62. Plantings at building foundations should consist of a combination of lawn areas and low plantings. In high exposure areas such as building entrances, plantings should be appropriately scaled and include plant materials selected for year-round attractiveness.
63. Plantings should be both functional and visually appealing. The use of native plants is preferred. Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements, and decrease flooding.
64. Paving materials and patterns for walkways, drives and parking areas should be consistent in order to tie together development within the district.
65. Trees and shrubs should be located and spaced to allow for long-term growth. Evergreen and deciduous or flowering trees should be used in combination to create visual interest and to create a dynamic landscape.
66. For evergreen screening along adjacent residential land uses, a double-staggered row of evergreen screen tree species 7 feet on center is suggested. Consideration should be given to sun-exposure, expected mature size of the plant species, and the available soil volumes; alternatively, upright tall dense evergreen shrub species may be substituted (e.g. Upright Cherry Laurel, Gulftide False Holly, etc.) in tighter spaces and growing conditions.

9

# Sustainability and Green Building Design

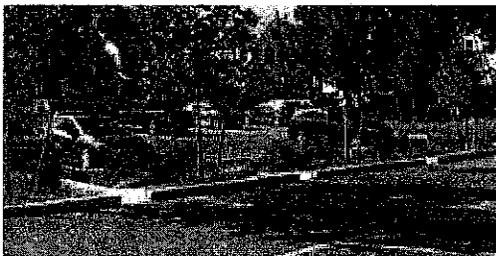
Sustainability and green building refers to the practice of creating structures using a process that is environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition. Elements include the construction of buildings that are energy efficient (high levels of insulation, high performance windows), use renewable resources (passive solar heating, daylighting), are designed for durability, future reuse and adaptability, and use low maintenance building materials with low embodied energy.

- 67. All rehabilitation and new construction should incorporate energy efficiency and design elements into the rehabilitation or design of the new additions or buildings.
- 68. Building materials should be locally sourced, with a high percentage of salvaged and recycled materials. Install high efficiency heating and cooling equipment, high efficient lights and appliances and water efficient equipment.

All rehabilitation and new construction should adhere to green infrastructure recommendations of the 2017 Next Stop Resilient Baldwin: Baldwin Downtown and Commercial Corridor Resiliency Study when applicable. These recommendations include:

- 69. Install permeable pavers or low-maintenance turf grass within select areas, as appropriate.
- 70. Install pervious surface curb extensions with storm drains, as appropriate.
- 71. Replace trees in declining health and/or those that have wire-conflicts with wirefriendly trees adaptable to sidewalk conditions.
- 72. Install stormwater planters and reuse technology at new development sites.

Examples of sustainably designed site infrastructure



## A

## Appendix A

## Native/Adaptive Plantings

The following list of plants are suggested general native/adaptive plantings at the time of writing, however final plant species-selection appropriateness should account for site-specific conditions (e.g. soil type and pH, sun exposure, wind, soil volumes, current pest/disease risks, height/size goals and/or restrictions, fruit litter, site visibility, maintenance expectations, etc.).

**Shade Trees (for Open Space)**

<i>Acer x freemanii</i> 'Jeffersred'	Autumn Blaze Maple
<i>Acer rubrum</i> 'Frank Jr.'	Redpointe Maple
<i>Acer saccharum</i> 'Legacy'	Legacy Sugar Maple
<i>Betula nigra</i> 'Heritage'	Heritage River Birch
<i>Celtis occidentalis</i>	Hackberry
<i>Cladrastis kentukea</i>	American Yellowwood
<i>Corylus columna</i>	Turkish Filbert
<i>Eucommia ulmoides</i>	Hardy Rubber Tree
<i>Ginkgo biloba</i> 'Autumn Gold'	Autumn Gold Ginkgo
<i>Ginkgo biloba</i> 'JFS-UGA2'	Golden Colonnade'
<i>Gleditsia triacanthos</i> 'Shademaster'	Shade Master Honeylocust
<i>Liquidambar styraciflua</i> 'Rotundiloba'	Sweetgum
<i>Liriodendron tulipifera</i> 'JFS-Oz'	Emerald City Tulip Tree
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i> 'David Odom'	Afterburner Tupelo
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Platanus x acerifolia</i> 'Bloodgood'	Bloodgood London Planetree
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus muehlenbergii</i>	Chinkapin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus rubra</i>	Red Oak
<i>Styphnolobium japonicum</i>	Japanese Pagodatree
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus americana</i> 'Valley Forge'	Valley Forge Elm
<i>Ulmus x 'Morton'</i>	Accolade Elm
<i>Ulmus parvifolia</i> 'Emer II'	Allee Elm
<i>Zelkova serrata</i> 'Green Vase'	Green Vase Japanese Zelkova

**Street Trees**

Acer x freemanii 'Jeffersred'	Autumn Blaze Maple
Acer rubrum 'Frank Jr.'	Redpointe Maple
Celtis occidentalis	Hackberry
Cladrastis kentukea	American Yellowwood
Corylus columna	Turkish Filbert
Eucommia ulmoides	Hardy Rubber Tree
Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo
Ginkgo biloba 'JFS-UGA2' - Golden Colonnade'	
Liriodendron tulipifera 'JFS-Oz'	Emerald City Tulip Tree
Ostrya virginiana	American Hophornbeam
Platanus x acerifolia 'Bloodgood'	Bloodgood London Planetree
Quercus bicolor	Swamp White Oak
Quercus muehlenbergii	Chinkapin Oak
Quercus phellos	Willow Oak
Styphnolobium japonicum	Japanese Pagodatree
Taxodium distichum	Bald Cypress
Ulmus americana 'Valley Forge'	Valley Forge Elm
Ulmus x 'Morton'	Accolade Elm
Ulmus parvifolia 'Emer II'	Allee Elm
Zelkova serrata 'Green Vase'	Green Vase Japanese Zelkova

**Upright Shade Trees**

*(For narrow spaces e.g. next to train tracks, building facades, between overhead utility lines and buildings, etc.)*

Acer saccharum 'Barrett Cole'	Appollo Sugar Maple
Acer rubrum 'JFS-KW78'	Armstrong Gold Maple
Acer rubrum 'Scarsen'	Scarlet Sentinel Maple
Carpinus betulus 'Frans Fontaine'	Upright European Hornbeam
Liquidambar styraciflua 'Slender Silhouette'	Upright Sweetgum
Populus tremula 'Erecta'	Swedish Columnar Aspen
Quercus bicolor 'Bonnie and Mike'	Beacon Oak
Quercus x 'JFS-KW1QX'	Streetspire Oak
Quercus palustris 'Pringreen'	Green Pillar Oak
Zelkova serrata 'Musashino'	Upright Japanese Zelkova

**Wire-Friendly / Ornamental Trees (for open space and street trees)**

Acer campestre 'Panacek'	Metro Gold Hedge Maple
Acer triflorum	Three-Flowered Maple
Aesculus x carnea 'Fort McNair'	Fort McNair Horsechestnut
Amelanchier laevis 'JFS-Arb'	Spring Flurry Serviceberry
Amelanchier canadensis 'Trazam'	Tradition Serviceberry
Cercis canadensis	Redbud
Cornus mas 'Golden Glory'	Golden Glory Cornelian Cherry
Cornus x 'Rutcan'	Constellation Dogwood (Rutger's Hybrids)
Crataegus crusgalli var. inermis 'Cruzam'	Crusader Thornless Cockspur Hawthorne
Koelreuteria paniculata	Goldenrain Tree
Lagerstroemia x	Crape Myrtle Hybrids
Maackia amurensis	Amur Maackia
Malus 'JFS-KW5'	Royal Raindrops Crabapple
Malus x 'Sutyzam'	Sugar Tyme Crabapple
Magnolia x 'Galaxy'	Galaxy Magnolia
Parrotia persica 'Inge's Ruby Vase'	Ruby Vase Parrotia
Prunus virginiana 'Canada Red'	Canada Red Improved Chokecherry
Syringa reticulata 'Ivory Silk'	Ivory Silk Japanese Tree Lilac
Taxodium distichum 'Skyward'	Lindsey's Skyward Bald Cypress
Zelkova serrata 'JFS-KW1'	City Sprite Zelkova
Zelkova serrata 'Schmidtlow'	Wireless Zelkova

**Evergreen Screen Trees**

Abies concolor	White Fir
Chamaecyparis thyoides	Atlantic White Cedar
Cryptomeria japonica 'Yoshino'	Yoshino Japanese Cryptomeria
Juniperus virginiana 'Emerald Sentinel'	Emerald Sentinel Eastern Redcedar
Picea abies	Norway Spruce
Picea alba	White Spruce
Picea omorika	Serbian Spruce
Picea orientalis	Oriental Spruce
Thuja occidentalis 'Nigra'	Nigra Eastern Arborvitae
Thuja occidentalis 'Smaragd'	Emerald Green Arborvitae
Thuja plicata 'Green Giant'	Green Giant Western Arborvitae

**Shrubs**

Abelia x grandiflora 'Rose Creek'	Rose Creek Abelia
Caryopteris x cladonensis 'Dark Knight'	Dark Knight Blue Mist Shrub
Comptonia peregrina	Sweetfern
Hydrangea macrophylla 'Bailmer'	Endless Summer Hydrangea
Hydrangea paniculate 'Little Lime'	Little Lime Hydrangea
Hypericum perforatum	St. John's Wort
Ilex glabra 'Shamrock'	Dwarf Inkberry Holly
Ilex verticillata (Dwarf Varieties)	Dwarf Winterberry Holly
Morella pensylvanica 'Morton'	Silver Sprite Bayberry
Nandina domestica 'Firepower'	Firepower Nandina
Osmanthus heterophyllus 'Gulftide'	Gulftide False Holly
Potentilla fruticosa 'Abbotswood'	White Shrubby Cinquefoil
Prunus laurocerasus 'Otto Luyken'	Otto Luyken Cherry Laurel
Prunus laurocerasus 'Schipkaensis'	Upright Cherry Laurel
Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac
Rosa x 'Radrazz'	Knockout Rose
Spirea japonica 'Tracy'	Double Play Big Bang Spirea
Syringa x (Dwarf Varieties)	Dwarf Lilacs

**Perennials / Ground Cover**

Ajania pacifica	Ajania
Amsonia hubrichtii	Threadleaf Amsonia
Ceratostigma plumbaginoides	Plumbago
Gaillardia x grandiflora	Blanket Flower
Hemerocallis x	Daylily (Reblooming Varieties)
Heuchera villosa 'Citronelle'	Citronelle Coral Bells
Hypericum calycinum	St. John's Wort
Liriope muscari 'Big Blue'	Big Blue Lilyturf
Liriope muscari 'Variegata'	Variegated Lilyturf
Nepeta x fassenii 'Junior Walker'	Junior Walker Catmint
Perovskia atriplicifolia 'Little Spire'	Dwarf Russian Sage
Penstemon digitalis 'Dark Towers'	Purple Beardtongue
Salvia x superba 'Blue Hill'	Blue Hill Garden Sage
Sedum sp.	Sedum
Stachys byzantina 'Helen Von Stein'	Helen Von Stein Lamb's Ear

**Ornamental Grasses**

Andropogon virginicus - Broomsedge	
Deschampsia cespitosa 'Goldtau' .....	Goldtau Tufted Hairgrass
Deschampsia flexuosa .....	Wavy Hairgrass
Eragrostis spectabilis .....	Purple Lovegrass
Festuca ovina 'Glaucua' .....	Blue Fescue
Muhlenbergia capillaris .....	Pink Muhly Grass
Panicum virgatum 'Shenandoah' .....	Purple Switchgrass
Pennisetum alopecuroides 'Little Bunny' .....	Dwarf Fountain Grass
Pennisetum alopecuroides 'Burgundy Bunny' .....	Purple Dwarf Fountain Grass
Schizachyrium scoparium 'Standing Ovation' .....	Standing Ovation Little Bluestem

<b>Baldwin Mixed Use Zoning Overlay District Design Guidelines Checklist</b>		<b>Meets Guideline</b>			<b>Comments</b>
<b>#</b>	<b>GUIDELINES</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
	<b>NEW CONSTRUCTION</b>				
1	Sensitive integration of form, textures and colors with the site and character of the surrounding area.				
2	In general, new buildings should be rectangular or square in shape and consistent with existing building context				
3	Buildings fronting Grand Avenue, Sunrise Highway and Merrick Road can be built to the public right of way line. Outdoor gathering and dining space that expands the public realm is encouraged.				
4	Materials and architectural elements should harmonize and not starkly contrast with the character of the surrounding area, while accommodating a potential contemporary expression and use of technology.				
5	Buildings in highly visible locations including primary corners along Grand Avenue, Merrick Road and Sunrise Highway should be designed to express and reinforce the importance of these locations.				
6	Whenever the rear and side elevations of buildings and associated ground floor facades are adjacent to public areas such as streets and parking lots, the architectural design, materials, and treatment of these facades should wrap the building and be integrated with the building's front facade.				
7	The exterior walls of new buildings should be constructed of durable, permanent materials. The use of reflective materials is discouraged. The exterior of residential dwellings should consist of metal, brick or wood. Appropriate exterior materials for commercial uses include brick, treated concrete or stone.				
8	The design of buildings should vary the façade vertically and horizontally, especially at the street level, to help reinforce the pedestrian zone.				
9	When new construction contains more than one store, an overall design approach should be shared by each of the stores.				

<b>Baldwin Mixed Use Zoning Overlay District Design Guidelines Checklist</b>		<b>Meets Guideline</b>			<b>Comments</b>
<b>#</b>	<b>GUIDELINES</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
10	Storefronts should provide interest and, where appropriate, should include pedestrian-oriented features to encourage pedestrian movement and activity.				
11	New construction should be designed to strongly encourage retail, dining, and active business uses with both day and evening programming at the ground floor. Amenities in the public right-of-way are encouraged including public seating, outdoor dining, public art, planters, and seasonal decorations. If outdoor dining is proposed, a plan, drawn to scale, showing the proposed outdoor dining area with measurements, including a representation showing that at least four (4) feet of unobstructed sidewalk space will remain for pedestrians, shall be submitted to the Design Review Board.				
12	Buildings that front on Grand Avenue, Sunrise Highway and Merrick Avenue must have at least one pedestrian entrance directly on these roads in order to maintain street presence and promote pedestrian activity.				
13	Integrate new mechanical elements into architectural features of the building. Vertical roof projections such as vents or stacks should be screened.				
14	Locate new mechanical systems and exhaust systems so that they do not vent onto pedestrian levels.				
<b>REHABILITATION</b>					
15	Proposed improvements should be chosen to harmonize with the basic scale and character of the building including materials, display windows, transoms, mid-cornices and lighting.				
16	When an existing building has a facade composed of stone, wood or brick, an effort should be made to retain the original material in its natural state.				
17	When an existing ground-level storefront is rehabilitated, where feasible, existing architectural design and details should be identified and used as the basis for the renovation project.				
18	When an existing building contains more than one store, a unified design approach should be shared by each of the proposed stores.				
19	If replacement is required, use materials that match in color, size, profile, thickness, pattern, and texture of the existing material.				
20	If replacement windows are necessary, efforts should be made to match original window materials, dimensions, glazing and trim.				

<b>Baldwin Mixed Use Zoning Overlay District Design Guidelines Checklist</b>		<b>Meets Guideline</b>			<b>Comments</b>
<b>#</b>	<b>GUIDELINES</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
<b>ADDITIONS</b>					
21	All additions should harmonize with the basic scale and character of the building.				
22	Materials should be used that complement or match the existing building.				
23	The size and location of windows should match the window and/or shutter patterns on the existing building.				
24	Existing building features such as a cornice design, materials, or arrangement of storefront glass should be incorporated into the building addition.				
<b>AWNINGS</b>					
25	Awnings over pedestrian walkways and sidewalks are encouraged to provide shade and rain protection while adding interest to a facade with shape and color.				
26	Long expanses of awnings are discouraged. Awnings should have a pedestrian scale and be placed so as to provide weather protection and/or business identification to potential patrons of a business.				
27	Use awning dimensions, materials, shapes, and styles that reinforce the pattern of existing businesses and the character of the building.				
<b>EXTERIOR LIGHTING</b>					
28	Lighting should be organized in simple patterns such that it reinforces the basic structure of streets and sidewalks.				
29	If a particular lighting pattern or lighting design element exists on a building or within an area, similar lighting should be utilized on building rehabilitations, new construction or additions.				
30	Utilize "Dark Sky" lighting fixtures and place lighting to minimize glare and prevent stray light.				
31	Lighting of parking areas and pathways to parking areas should be enhanced by low level lighting if necessary with the goal of minimizing light pollution				
<b>SIGNAGE - Sign Design</b>					
32	Signage should be in scale with the building façade.				
33	Signs should be compatible with the placement, size, graphics, colors and style of the building as well as with neighboring buildings and signs.				
34	Signs should be illuminated from the exterior rather than interior, if lighting is required. All sign lighting should be shielded and directed towards the signs. When internally illuminated, the background should be darker than the lettering				
35	Signs should be simple, unobtrusive and legible.				

<b>Baldwin Mixed Use Zoning Overlay District Design Guidelines Checklist</b>		<b>Meets Guideline</b>			<b>Comments</b>
<b>#</b>	<b>GUIDELINES</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
	<b>SIGNAGE - Wall Signs</b>				
36	Wall signs should be placed above storefront display areas on the traditional sign cornice, sign band or lintel above the ground floor.				
37	Wall signs should not conceal windows or the architectural details of the storefront and their placement should reinforce architectural features.				
38	Signs should be of high quality materials. Flashing signs or signs with moving parts or changing electronic displays are prohibited.				
	<b>SIGNAGE - Window Signs</b>				
39	Window signs should be simple. Window signs should cover less than 25% of the window area.				
	<b>SIGNAGE - Projecting Signs</b>				
40	Projecting signs should be placed above the storefront display on the sign band or lintel above the ground floor and should fit within building modules.				
	<b>SIGNAGE - Freestanding Signs</b>				
41	The use and type of free standing signs should be considered in the context of the overall setting. Monument or structured free-standing signs are preferred over single-pole (lollipop) free standing signs.				
	<b>SERVICE AREAS</b>				
42	All exterior service, loading, storage and utility areas should be located at the side or rear of the building and be screened or sheltered so as not to be visible from the street or adjacent parcels.				
43	Loading docks should be located away from the main pedestrian thoroughfares and removed from public view. No direct loading should be permitted to be visible from Grand Avenue.				
44	Outdoor service and storage areas, including garbage collection areas, should be screened from public view with landscaping and/or fencing.				

<b>Baldwin Mixed Use Zoning Overlay District Design Guidelines Checklist</b>		<b>Meets Guideline</b>			<b>Comments</b>
<b>#</b>	<b>GUIDELINES</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
<b>PARKING - Surface Parking</b>					
45	Parking in front of buildings is discouraged. Whenever possible, parking should be located to the side or rear of buildings. Where parking is in the front, landscaped buffers should be used between the sidewalk and parking area to assure that the visual effect of paved areas and standing automobiles is minimized.				
46	Parking areas containing more than 20 spaces should incorporate landscaped islands, dividers and screenings.				
47	The number of curb cuts should be minimized. Entrances and exits to parking areas should be designed so that they do not interfere with vehicular traffic movement, unduly inconvenience pedestrian travel, or create unsafe conditions.				
48	Drive-through lanes should be located so that traffic does not conflict with pedestrian travel and should be allowed only for financial institutions.				
<b>PARKING - Parking Structures</b>					
49	Large blank walls should be avoided in favor of fenestration patterns more closely resembling inhabited buildings.				
50	Where possible, landscaping should be provided to minimize the visual impact of parking decks.				
51	Parking garages, including entrances should not be located on Sunrise Highway, Merrick Avenue, or Grand Avenue.				
52	Parking structures should be designed to have an external skin comprised of high quality materials to improve the visual character when exposed to prominent public view.				
53	Ground floor treatments should provide screening to block views of parked vehicles, bumpers, and headlights from pedestrians using the adjacent sidewalk.				
54	Where possible, the first-floor level of the garage should include retail or service uses that will maintain activity at the ground level.				

<b>Baldwin Mixed Use Zoning Overlay District Design Guidelines Checklist</b>		<b>Meets Guideline</b>			<b>Comments</b>
<b>#</b>	<b>GUIDELINES</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
	<b>STREETSCAPING</b>				
55	Installation of landscaping and street trees, in addition to other pedestrian amenities, such as trash receptacles, decorative street lamps, and wayfinding signage, to "green" the streetscape and create an atmosphere that attracts visitors and patrons.				
56	Retail and services catering to pedestrians should be encouraged at street-level to create an active streetscape.				
57	Street amenities, such as continuous sidewalks, bus shelters, well designed crosswalks, lower-scale lighting, seating areas, waste receptacles, planters, and trees should be encouraged to make the sidewalk environment more comfortable for users.				
58	New development should be designed to require compact growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of uses, green infrastructure and the provision of facilities that support transit use, bicycling and walking.				
	<b>LANDSCAPING</b>				
59	<p>New development should be designed so as not to increase impervious surface areas, but rather, to decrease impervious surface areas when possible, and to provide additional opportunities for infiltration of runoff. Landscaping of new development should incorporate green infrastructure, in the form of vegetative controls or permeable pavements, to the extent possible.</p> <p>Suggested vegetative controls for decreasing impervious surface and increasing infiltration of stormwater runoff include: 1) native and/or adaptive plants, or cultivated varieties of same for hybridized increased performance in disease/pest resistance, improved form, dwarf form, increased aesthetic traits, drought tolerance, etc.; and 2) including a post-plant establishment maintenance plan for the performance of green infrastructure vegetative controls (e.g. bio-retention facilities, bio-swales, stormwater planters, etc.). See Appendix A for a suggested general list of native/adaptive plantings, however final plant species-selection appropriateness should account for site-specific conditions (e.g. soil type and pH, sun exposure, wind, soil volumes, current pest/disease risks, height/size goals and/or restrictions, fruit litter, site visibility, maintenance expectations, etc.).</p>				
60	Parking and service areas should be screened from major streets and public spaces with dense evergreen trees or shrubs. Brick walls and fences can also be used where spaces will not allow the use of plantings for screening.				

<b>Baldwin Mixed Use Zoning Overlay District Design Guidelines Checklist</b>		<b>Meets Guideline</b>			<b>Comments</b>
<b>#</b>	<b>GUIDELINES</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	
61	Accent planting should be used around entries and key activity hubs. Screening should be used to protect less intensive uses from the impacts of more intrusive uses and to block views of less desirable features from public view (trash enclosures, etc).				
62	Plantings at building foundations should consist of a combination of lawn areas and low plantings. In high exposure areas such as building entrances, plantings should be appropriately scaled and include plant materials selected for year-round attractiveness.				
63	Plantings should be both functional and visually appealing. The use of native plants is preferred. Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements, and decrease flooding.				
64	Paving materials and patterns for walkways, drives and parking areas should be consistent in order to tie together development within the district.				
65	Trees and shrubs should be located and spaced to allow for long-term growth. Evergreen and deciduous or flowering trees should be used in combination to create visual interest and to create a dynamic landscape.				
66	For evergreen screening along adjacent residential land uses, a double-staggered row of evergreen screen tree species 7 feet on center is suggested. Consideration should be given to sun-exposure, expected mature size of the plant species, and the available soil volumes; alternatively, upright tall dense evergreen shrub species may be substituted (e.g. Upright Cherry Laurel, Gulfside False Holly, etc.) in tighter spaces and growing conditions.				
<b>SUSTAINABILITY AND GREEN BUILDING DESIGN</b>					
67	All rehabilitation and new construction should incorporate energy efficiency and design elements into the rehabilitation or design of the new additions or buildings.				
68	Building materials should be locally sourced, with a high percentage of salvaged and recycled materials. Install high efficiency heating and cooling equipment, high efficient lights and appliances and water efficient equipment.				
69	Install permeable pavers or low-maintenance turf grass within select areas, as appropriate.				
70	Install pervious surface curb extensions with storm drains, as appropriate.				
71	Replace trees in declining health and/or those that have wire-conflicts with wirefriendly trees should adaptable to sidewalk conditions.				
72	Install stormwater planters and reuse technology at new development sites.				



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Town of Hempstead, NY

- Overlay Boundary
  - Parcel
- | Existing Zoning Districts | Baldwin Mixed-Use Subdistricts                     |
|---------------------------|----------------------------------------------------|
| Business District (X)     | Mixed-Use, Commercial Transition (B-MX, TOD)       |
| Industrial District (Y)   | Mixed-Use, Merrick Road Gateway (B-MX, MRG)        |
| Residence District (B)    | Mixed-Use, Transit-Oriented Development (B-MX, CT) |
| Residence District (C)    |                                                    |
| Residence District (CA)   |                                                    |

**Baldwin Mixed-Use Overlay Zone**

Source: Town of Hempstead, VHB

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Baldwin Mixed-Use Overlay District		
Project Location (describe, and attach a general location map): 185 parcels along Grand Avenue, Sunrise Highway, and Merrick Road, in the hamlet of Baldwin, Town of Hempstead, Nassau County (see attached Baldwin Overlay District map and Parcel Table)		
Brief Description of Proposed Action (include purpose or need): Baldwin Zoning Overlay District and Design Guidelines for the Grand Avenue Corridor. See attachment for a detailed description of the Proposed Action.		
Name of Applicant/Sponsor: Town of Hempstead Town Board		Telephone: 516-489-5000
		E-Mail:
Address: One Washington Street		
City/PO: Hempstead	State: NY	Zip Code: 11550
Project Contact (if not same as sponsor; give name and title/role): Richard Regina, Counsel to Town Board; Rebecca Sinclair, Deputy Chief of Staff		Telephone: 516-414-6572 516-874-8590
		E-Mail: Richreg@tohmail.org rsinclair@tohmail.org
Address: Washington Street		
City/PO: Hempstead	State: NY	Zip Code: 11550
Property Owner (if not same as sponsor): (see Applicant contact information). Various owners within Overlay District		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

See attachment for a complete list of Government Approvals.



B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Approval/adoption of new Zoning Overlay District	
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Commission: GML-239m review	
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? If yes,		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
Business District (X); Residence District (B); Residence District (C); Residence District (CA); Industrial District (Y)

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? Baldwin Mixed-Use Overlay

**C.4. Existing community services.**

a. In what school district is the project site located? Baldwin Union Free School District

b. What police or other public protection forces serve the project site?  
Nassau County Police Department - First Precinct

c. Which fire protection and emergency medical services serve the project site?  
The Baldwin Fire District (fire protection and emergency medical services); a firehouse is located within the Overlay District at 2386 Grand Avenue.

d. What parks serve the project site?  
The subject property is served by the Town of Hempstead Parks District, including Silver Lake Park and Milburn Creek Park which are adjacent to the Overlay District

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
Mixed-use (residential and commercial)

b. a. Total acreage of the site of the proposed action? 87± acres  
 b. Total acreage to be physically disturbed? TBD acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.5± acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated TBD  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	TBD	TBD	TBD	TBD
At completion of all phases	TBD	TBD	TBD	TBD

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures: TBD  
 ii. Dimensions (in feet) of largest proposed structure: TBD height; TBD width; and TBD length  
 iii. Approximate extent of building space to be heated or cooled: TBD square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? Potential excavation for site development/redevelopment  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): TBD  
 • Over what duration of time? TBD  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
TBD  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. TBD  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ TBD acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ TBD acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ TBD feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ TBD gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: Long Island American Water Corporation
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district? Water demand to be determined  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ TBD gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: Bay Park Sewage Treatment Plant
- Name of district: Nassau County Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district? Wastewater to be determined as part of the site plan approval process  Yes  No
- Is expansion of the district needed?  Yes  No

Yes  No  
 Yes  No

• Do existing sewer lines serve the project site?  
 • Will line extension within an existing district be necessary to serve the project? To be determined

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

---

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

\_\_\_\_\_

---

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No\*  
 If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ TBD Square feet or \_\_\_\_\_ TBD acres (impervious surface)  
 \_\_\_\_\_ TBD Square feet or \_\_\_\_\_ TBD acres (parcel size)

ii. Describe types of new point sources. TBD

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iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

TBD

- If to surface waters, identify receiving water bodies or wetlands: TBD

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- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

---

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Heavy equipment to be used during construction.

---

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

Heavy equipment to be used during construction.

---

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

HVAC

---

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes: TBD

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

\*Maximum build-out under the proposed action is yet to be determined. However, due to the existing condition of the area within the proposed Zoning Overlay District (predominately developed, impervious roadways, sidewalks, buildings and parking lots) it is not likely that any future development would have significantly adverse impacts on stormwater runoff.

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No  
A Traffic Impact Study is being prepared as part of the GEIS.

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
TBD

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Via local grid (PSEG Long Island, National Grid)

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	7:00 a.m. - 6:00 p.m.*	• Monday - Friday:	TBD
• Saturday:	N/A	• Saturday:	TBD
• Sunday:	N/A	• Sunday:	TBD
• Holidays:	N/A	• Holidays:	TBD

\*Based on the specific noise prohibitions set forth in the Town of Hempstead code §144-3.

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:  As the result of the proposed action, potential operation of construction vehicles and equipment may exceed ambient noise levels. However, construction will not occur during sensitive time periods in accordance with prevailing provisions of the Town Code.</p> <p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  Describe: <u>TBD</u></p>
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  <u>TBD</u></p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  Describe: <u>TBD</u></p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  _____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: <span style="float: right;">TBD</span></p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):  <u>Specific landscaping treatments have not yet been determined; however, any pesticides or herbicides used would comply with all applicable regulations.</u></p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ TBD tons per _____ TBD (unit of time)</li> <li>• Operation : _____ TBD tons per _____ TBD (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: <u>TBD</u></li> <li>• Operation: <u>Town of Hempstead Resource Recovery Facility</u></li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: <u>TBD</u></li> <li>• Operation: <u>TBD</u></li> </ul>

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): Transportation (Long Island Rail Road), Municipal (Baldwin Public Library, Baldwin Fire Department)

ii. If mix of uses, generally describe:

The area within the proposed Zoning Overlay Boundary contains uses typical of a commercial corridor along Grand Avenue with single-family residential uses beyond to the east and west and light industrial uses along the Long Island Rail Road tracks.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	75.5±	TBD	TBD
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>landscaped areas</u>	11.5±	TBD	TBD

\*The area within the proposed Zoning Overlay District is almost entirely composed of developed, impervious surfaces. Any changes to land use or cover type will be assessed in the GEIS.

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
South Nassau Communities Hospital (within overlay boundary), Learn and Play Center (within overlay boundary), St. Peter's Nursery School (within overlay boundary), Freeport High School (adjacent to the east), St. Christopher's School (adjacent to the west)

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \*See attachment  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: N/A  
\_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): 130213, V00640  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
i) \*See attachment. ii) N/A. iii) Both remediation sites are outside of the Overlay District boundary, but within the designated 2,000 feet. Both DEC ID numbers represent the Baldwin Shopping Center located approximately 2,000 feet north of the northernmost Overlay District boundary. Site 130213 is classified as "P" indicating potential consideration. Site V00640 is classified as "N" indicating no further action at this time.

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 1,400± feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Urban land (Ug)	_____	80 %
Urban land-Riverhead complex, 0 to 3 percent slopes (UrA)	_____	13 %
Urban land-Sudbury complex (Us)	_____	7 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 5± feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	_____	13 % of site	Note: Soil drainage status for Urban land (Ug) is not defined by the USDA
<input checked="" type="checkbox"/> Moderately Well Drained:	_____	7 % of site	
<input type="checkbox"/> Poorly Drained	_____	% of site	

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	100 % of site
<input type="checkbox"/> 10-15%:	_____	% of site
<input type="checkbox"/> 15% or greater:	_____	% of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:

i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____          The subject site contains typical suburban species (i.e., squirrels, songbirds, etc.). _____          _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____          _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If yes, give a brief description of how the proposed action may affect that use: _____          _____</p>	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          i. If Yes: acreage(s) on project site: _____          ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____          _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>          If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site    <input checked="" type="checkbox"/> Historic Building or District</p> <p>ii. Name: Koch Building; Baldwin Public Library</p>	
<p>iii. Brief description of attributes on which listing is based:  <u>No further information on CRIS for private residences; high style commercial building dating to 1928; mid-century modern building dating to 1962</u></p>	
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>	
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>If Yes:</p> <p>i. Identify resource: <u>Silver Lake Park; Lofts Pond Park; Southern State Parkway; Meadowbrook State Parkway; Wantagh State</u></p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Local parks. Scenic byways</u></p>	
<p>iii. Distance between project and resource: <u>0.1±; 0.4±; 1.6±; 1.9±; 4.7±</u> miles.</p>	
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p>	
<p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Hempstead Town Board Date \_\_\_\_\_

Signature \_\_\_\_\_ Title Counsel to Town Board / Deputy Chief of Staff

## **Attachment**

New York State Full Environmental Assessment Form – Part 1  
Baldwin Zoning Overlay District and Design Guidelines for the Grand Avenue Corridor  
Baldwin, Town of Hempstead, Nassau County

### **Page 1, Question A – Brief Description of Proposed Action (include purpose or need)**

The proposed action involves the adoption of a Zoning Overlay District (“Overlay District”) and associated Design Standards to facilitate high-quality and economically viable development within the Grand Avenue corridor of the hamlet of Baldwin, Town of Hempstead, Nassau County.

The proposed Zoning Overlay District is designed to provide specific guidance for the development of property and street enhancements within the proposed Zoning Overlay District while allowing for flexibility and creativity in project design to foster the appropriate growth of the area in an orderly and desirable fashion. The proposed Zoning Overlay District, to be known as the Baldwin Mixed-Use Overlay District (B-MX), will:

- Help achieve specific planning/redevelopment goals while not changing the underlying zoning
- Not create zoning non-conformities
- Keep underlying zoning in-tact
- Provide flexibility and certainty for developers, who can use the zone to obtain greater density, height, mix of uses, etc., in exchange for meeting other requirements or goals of the zoning district (e.g., meeting design criteria, providing certain public benefits)

The proposed Design Guidelines will be used to ensure the quality and visual consistency of buildings, streets and public spaces.

On August 7, 2018, the Town Board accepted the “Baldwin Downtown and Commercial Corridor Resiliency Study” (“DCCR Study”) which was completed in Spring of 2017 and commissioned by the New York State Governor’s Office of Storm Recovery through the NY Rising Community Reconstruction Plan. The DCCR Study was the culmination of a year-long planning initiative that included extensive outreach to civic groups, public and private entities, as well as input from environmental and economic planners. The DCCR Study identified the needs of the community, and recommendations on how zoning and design could improve the Grand Avenue corridor.

The proposed Overlay District encompasses an approximately three quarter-mile mixed-use corridor running along Grand Avenue from Merrick Road to the south to Florence Street to the north. Grand Avenue, which runs north-south, intersects several key east-west corridors including Merrick Road and Sunrise Highway, and extends to the north and south of the Baldwin Long Island Rail Road (LIRR) Station.

The Overlay District is proposed to be applied to the 185 individual tax parcels located within the 87±-acre Study Area. These parcels are listed in Table 1 – Tax Parcels within the Proposed Zoning Overlay District below, and are shown in the attached Baldwin Overlay District map. The Overlay District establishes objectives, policies, and standards to promote orderly development and redevelopment within its boundaries to encourage the efficient use of land, to catalyze revitalization and to foster a sense of place through the development of a transit-oriented, mixed-use and pedestrian-friendly corridor along Grand Avenue.

The Overlay District includes the designation of three subdistricts with varying allowances for overall density and building height. The subdistricts are shown on the attached Baldwin Overlay District map. These subdistricts convey the specific character that the Town wishes to achieve within the Overlay District:

1. High Density (Max 75 feet) – includes the area most proximate to the Baldwin LIRR station.
2. Medium Density (Max 60 feet) – includes the area in the southern portion of the Overlay District near the intersection of Grand Avenue and Merrick Road.
3. Low Density (Max 45 feet) – three low density subdistricts are located north, south and east of the high-density subdistrict.

In order to comprehensively evaluate the potential environmental impacts that would be expected from implementation of the Overlay District and development in conformance therewith, a theoretical maximum build-out scenario will be determined and analyzed in a Draft Generic Environmental Impact Statement (“DGEIS”), which is proposed to be prepared.

### **Design Guidelines**

In addition to the Overlay District, the proposed action includes the adoption of a set of Design Guidelines that define and delineate the proposed vision for the Overlay District. In general, design standards and guidelines are a critical tool to guide development to realize the community’s goals. The proposed guidelines are intended to provide clear objectives for those embarking on the planning and design of projects in Baldwin to create a coordinated and consistent design review process.

The proposed Design Guidelines will serve as a reference for design review in the proposed Overlay District and provide a framework for the review process for Planning staff, project sponsors, design professionals, neighborhood groups and the general public. Additionally, the Design Guidelines document is intended to guide development and establish a set of expectations, goals, values, and qualities by which projects are evaluated in design review.

**Page 2, Question B – Government Approvals**

Although there are only two involved agencies that relate to the adoption of the proposed Overlay District, because the Town Board intends to prepare a GEIS to evaluate the impacts of development/redevelopment within the Overlay District, a coordinated review is being done with agencies that could potentially have approval authority over development/redevelopment within the Overlay District. These agencies and potential approvals include:

- Town of Hempstead Board of Appeals – Possible variances for individual property development
- Town of Hempstead Highway Department – Road Work Permits
- Nassau County Department of Health – Water Supply and Sanitary Discharge
- Nassau County Department of Public Works – Sewer Connection, 239f Review
- Nassau County Planning Commission – Section 239-m (Article 12-B) of New York State General Municipal Law, and Article XVI, Sections 1606-1608 of Nassau County Law, to review zoning actions referred by local governments
- Nassau County Industrial Development Agency
- Town of Hempstead Industrial Development Agency
- New York State Department of Transportation – Highway Work Permit (Sunrise Highway)
- New York State Department of Environmental Conservation – Notice of Intent – SWPPP for SPDES General Permit for Stormwater
- Long Island American Water Corporation – Water supply
- National Grid – Gas connections
- PSE&G – Electrical connections

**Page 10, Question E.1.h – Potential Contamination History**

Various properties within and adjoining the proposed Overlay District area historically have been subject to a number of spills impacting soil, groundwater, sewers and impervious surfaces within the corridor. Following an evaluation of roadways within the proposed Overlay District, identified spills that have occurred have been closed in accordance with New York State Department of Environmental Conservation (NYSDEC) standards. A list of these spills follows in Table 1 – NYSDEC Spills Remediation Database Results.

**Table 1 NYSDEC Spills Remediation Database Results**

Spill Number	Date Spill Reported	Spill Name	Address	Resource Affected	Material Spilled	Date Closed
8703707	8/5/1987	EAB BLDG	2389 GRAND AVE	Groundwater	Fuel Oil	12/2/1987
8709029	1/22/1988	BALDWIN APTS	2363 GRAND AVE	Groundwater	Fuel Oil	1/23/1992
8800186	4/6/1988	GRAND ASSOCS	2363 GRAND AVE	Groundwater	Fuel Oil	4/6/1988
8804410	8/19/1988	ALBIE EXTERMINATORS	GRAND AVE	Sewer	Pesticide b-gone	8/19/1988
8804721	8/29/1988	BEATTO OIL CO	GRAND AVE & BALDWIN AVE	Groundwater	Fuel Oil	9/13/1988
8900312	4/11/1989	NORTHVILLE	2350 GRAND AVE	Sewer	MTBE, Gasoline	9/14/1999
8901895	5/24/1989	LILCO	856 MERRICK AVE	Soil	Non PCB Oil	6/16/1989
8907357	10/25/1989	MOBIL	SUNRISE HWY & MILBURN AVE	Groundwater	Waste Oil	4/30/1991
8908377	11/22/1989	LILCO	GRAND AVE & SUNRISE HWY	Soil	Non PCB Oil	11/22/1989
9000238	4/6/1990	GAS STATION	2099 GRAND AVE	Sewer	Gasoline	4/9/1990
9006746	9/19/1990	MOBIL S/S	SUNRISE HWY & MILBURN AVE	Sewer	Waste Oil	4/3/1991
9007048	9/27/1990	MOTION PERFORMANCE	598 SUNRISE HWY	Soil	Waste Oil	11/7/1990
9007335	10/4/1990	A1 TRANSMISSION	SUNRISE HWY & MILBURN AVE	Sewer	Waste Oil, Transmission Fluid	10/12/1990
9012105	2/20/1991	BALDWIN FIRE DISTRICT	2386 GRAND AVE	Groundwater	Gasoline	9/8/1993

9101958	5/18/1991	UNK	MERRICK RD & FOXHURST	Surface Water	Unknown Petroleum	5/18/1991
9103804	7/9/1991	LILCO	782 MERRICK ROAD	Soil	Non PCB Oil	7/10/1991
9110626	1/11/1992	UNKNOWN	SUNRISE HWY & GRAND AVE	Soil	Fuel Oil	1/13/1992
9208193	10/15/1992	FIRST CHURCH OF CHRIST	2077 GRAND AVE	Soil	Fuel Oil	10/15/1992
9211289	12/31/1992	METRO S/S	2054 GRAND AVE	Groundwater	Gasoline	1/14/1993
9212947	2/18/1993	BEHIND WALDBAUMS SHOPPING CENTER	660 SUNRISE HWY	Soil	Waste Oil	6/24/1994
9303466	6/16/1993	RED LOBSTER	GRAND AVE/SUNRISE HWY	Sewer	Unknown Petroleum	6/17/1993
9310356	11/26/1993	RICHARD M SALAND	50 HARRISON AVE	Soil	Fuel Oil	5/12/2006
9312711	1/27/1994	A-1 TRANSMISSION	830 SUNRISE HWY	Groundwater	MTBE, Unknown Petroleum, Gasoline	7/25/2003
9406429	8/11/1994	SANITARY DIST #2	2080 GRAND AVE & BALDWIN	Soil	Gasoline	11/17/1994
9503042	6/10/1995	COMMERCIAL SHOPPING CTR	660 SUNRISE HWY	Surface Water	Raw Sewage, Diesel	7/19/1995
9506633	8/29/1995	TEXACO GAS STATION	2350 GRAND AVE	Soil	Unknown Petroleum	8/31/1995
9513441	1/24/1996	BALDWIN FIRE DEPT	2386 GRAND AVE	Soil	Diesel	1/29/1996
9513431	1/24/1996	BALDWIN FIRE DEPT	2386 GRAND AVE/SUNRISE HWY	N/A	Material not identified	5/5/2011
9605351	7/18/1996	BURKES AUTO REPAIR	560 SUNRISE HWY	Soil	Antifreeze, Waste Oil	5/21/1997
9609283	10/24/1996	COASTAL S/S	2054 GRAND AVE	Soil	MTBE, Gasoline	5/4/2007
9613074	2/4/1997	WALDBAUM SHOPPING CENTER	SUNRISE HWY	Soil	Raw Sewage	3/1/1999
9703693	6/25/1997	UNKNOWN	841-843 MERRICK ROAD	Soil	Hydraulic Oil	3/17/1998

9925071	5/10/1999	EASTERN STATE CONSTRUCT	SUNRISE HWY & MILBURN	Soil	Antifreeze, Motor Oil, Gasoline, Diesel	10/2/2002
9913313	2/24/2000	NASSAU COUNTY SEWER	MERRICK RD/FOXHURST RD	Soil	Raw Sewage	2/24/2000
25113	6/30/2000	UNKNOWN	2428 GRAND AVE/MERRICK RD	Soil	Insecticides, Pesticides, Paint Thinners, Pain, Motor Oil	11/1/2000
125155	8/8/2001	UNKNOWN	GRAND AVE	Sewer	Paint	9/16/2004
111588	3/8/2002	BALDWIN FIRE DISTRICT	2386 GRAND AVE	Soil	Fuel Oil	6/3/2005
111862	3/16/2002	UNKNOWN	SUNRISE HWY/MILBURN AVE	Sewer	Motor Oil, Gasoline	4/17/2002
204582	7/31/2002	MT BALDWIN MEDICAL BUILD	773 MERRICK ROAD	Sewer	Raw Sewage	7/31/2002
205866	9/6/2002	Spill Number 0205866	GRAND AVE/SCHOOL ST	Sewer	Gasoline	6/20/2003
205866	9/6/2002	Spill Number 0205866	GRAND AVE/SCHOOL ST	Sewer	Gasoline	6/20/2003
209979	1/2/2003	IMPERIAL FLORIST	776 MERRICK ROAD	Soil	Fuel Oil	11/7/2003
225409	1/22/2003	PARKING LOT	800 MERRICK ROAD	Soil	Gasoline	6/3/2003
302071	5/28/2003	UNKNOWN	SUNRISE HWY/GRAND AVE	Soil	Fuel Oil	2/5/2004
302071	5/28/2003	UNKNOWN	SUNRISE HWY/GRAND AVE	Soil	Fuel Oil	2/5/2004
302295	6/3/2003	APTS COMPLEX	2412 GRAND AVE	Soil	Fuel Oil	2/5/2004
325276	9/8/2003	GENESIS MACHINERY	BROOKLYN AVE	Sewer	Unknown Petroleum, Other	4/9/2004
325365	11/14/2003	UNK	800 MERRICK/FOXH URST	Soil	Fuel Oil	11/7/2006
404348	7/22/2004	UNKNOWN	806 SUNRISE HWY	Soil	Transformer Oil	12/21/2004

408280	10/27/2004	SHAMROCK GAS	2099 NORTH GRAND AVE	Soil	Gasoline	10/27/2004
411379	1/20/2005	GETTY SITE #58044	SUNRISE HWY/HARRISON	Soil	Gasoline	1/26/2005
412533	2/25/2005	UNKNOWN	2424 GRAND AVE AND MERRICK	Soil	Raw Sewage	2/28/2005
508488	10/15/2005	UNKNOWN	MERRICK ROAD	Groundwater	Raw Sewage	10/17/2005
511960	1/17/2006	UNKNOWN	768 MERRICK ROAD	Soil	Fuel Oil	5/10/2006
512452	1/26/2006	GETTY #58044	764 SUNRISE HWY	Soil	Waste Oil	1/27/2006
604504	7/21/2006	UNKNOWN	CENTRAL AVE/SUNRISE HWY	Soil	Hydraulic Oil	1/9/2007
803388	6/21/2008	SHAMROCK GAS STATION	2099 GRAND AVE	Sewer	Gasoline	10/20/2008
803413	6/22/2008	PARKING LOT	2430 GRAND AVE	Sewer	Fuel Oil	6/28/2009
804549	7/21/2008	GETTY #58044	SUNRISE HWY/HARRISON	Soil	Gasoline, Waste Oil	8/30/2009
808258	10/22/2008	BEST BUY	646 THRU 688 SUNRISE HWY	Unknown	Transformer Oil	11/3/2008
901191	4/29/2009	COMMERICAL BUILDING	795 MERRICK ROAD	Indoor Air	Fuel Oil	6/22/2009
902252	5/26/2009	UNKNOWN	ATLANTIC/GRAND AVE	Unknown	Antifreeze	5/26/2009
907188	9/25/2009	GETTY #58044	764 SUNRISE HWY	Soil	Waste Oil	1/27/2006
1009432	12/3/2010	ROADWAY	777 BROOKLYN AVE	Soil, Sewer	Gasoline	1/24/2011
1105910	8/24/2011	ROADWAY	CENTRAL AVE/SUNRISE HWY	Impervious Surface	Motor Oil	11/16/2011
1114491	3/30/2012	ROADWAY AND STORM DRAIN	713 BROOKLYN AVE	Unknown	Raw Sewage	3/30/2012
1214215	1/2/2013	UNKNOWN	820 SUNRISE HWY	Soil	Gasoline	6/11/2013
1215071	1/29/2013	FORMER SHELL STATION	2350 GRAND AVE	Soil	Unknown Petroleum	1/9/2014

1406126	9/8/2014	UNKNOWN	2099 GRAND AVE	Soil	Hydraulic Oil	9/8/2014
1406952	10/2/2014	FORMER SHELL/TEXACO GAS STATION	2350 GRAND AVE	Soil	Unknown Petroleum	9/6/2014
1410352	1/23/2015	SUBSTATION - S/O SUNRISE HWY	HARRISON AVE	Soil	Dielectric Fluid	9/13/2016
1410824	2/10/2015	R&G	2028 GRAND AVE	Impervious Surface	Fuel Oil	2/10/2015
1412110	3/24/2015	COMMERCIAL/APARTMENT	2424 GRAND AVE	Soil	Fuel Oil	4/30/2015
1504887	8/5/2015	TOWN OF HEMPSTEAD SANITATION	2080 GRAND AVE	Soil	Gasoline	9/28/2015
1508905	12/1/2015	INTERSECTION	SUNRISE HWY/GRAND AVE	Sewer	Diesel	1/19/2016
1708352	12/4/2017	UNKNOWN	2407 GRAND AVE	Impervious Surface	Transformer	2/1/2018
1803138	6/20/2018	COMMERCIAL	560 A SUNRISE HWY	Impervious Surface	Transformer Oil	7/23/2018

Source: NYSDEC Spills Remediation Database, accessed October 2018.

**Table 2 Tax Parcels within the Proposed Zoning Overlay District**

<b>Nassau County Tax Map Number</b>	<b>Current Land Use Category</b>	<b>Total Parcel Acreage</b>
54 C 00010	COMMERCIAL	0.26
54 C 02180	COMMERCIAL	2.93
54001 00070	COMMERCIAL	0.01
54001 00100	COMMERCIAL	0.14
54001 00110		0.23
54027 02400		0.02
54027 02410		0.01
54027 02460	RESIDENTIAL	0.11
54027 02480	COMMUNITY SERVICES	0.16
54027 02490	COMMUNITY SERVICES	0.22
54027 02510		0.01
54029 04620	COMMERCIAL	0.13
54029 04630	COMMUNITY SERVICES	0.05
54029 04650	RESIDENTIAL	0.1
54029 04660	COMMERCIAL	0.12
54029 04670	COMMUNITY SERVICES	1.02
54031 00050	COMMERCIAL	0.7
54031 00130	COMMUNITY SERVICES	0.17
54032 00280	COMMERCIAL	0.17
54032 00330	COMMUNITY SERVICES	0.22
54032 01010	COMMERCIAL	0.18
54032 01220	COMMERCIAL	0.07
54032 01230	COMMERCIAL	0.07
54032 01240	COMMERCIAL	0.07
54032 01250	COMMERCIAL	0.08
54032 01270	COMMERCIAL	0.31
54032 05260	COMMERCIAL	0.05
54032 06260	COMMERCIAL	0.09
54032 07260	COMMERCIAL	0.09
		0.13
54032 08350	COMMERCIAL	0.3
54032 08360	COMMERCIAL	0.34
54032 08370	COMMERCIAL	0.33
54032 08380	COMMERCIAL	0.21
54032 08390	RESIDENTIAL	0.2
54032 08400	COMMERCIAL	0.24
54032 08410	COMMERCIAL	0.29
54032 08420	COMMERCIAL	0.01

54033 00330	COMMUNITY SERVICES	0.32
54033 00340	COMMUNITY SERVICES	0.58
54033 03420	COMMERCIAL	0.26
54033 03430	COMMERCIAL	0.07
54033 03440	COMMERCIAL	0.03
54033 03450	COMMERCIAL	0.05
54033 03460	COMMERCIAL	0.06
54033 03470	COMMERCIAL	0.03
54033 03490	COMMERCIAL	0.06
54033 03500	COMMERCIAL	0.03
54033 03510	COMMERCIAL	0.09
54033 03530	COMMERCIAL	0.07
54034 00150	RESIDENTIAL	0.18
54034 01160	COMMERCIAL	0.14
54034 02150	COMMERCIAL	0.9
54034 04160	COMMERCIAL	0.04
54034 04230	COMMERCIAL	0.1
54034 04260	COMMERCIAL	0.14
54034 04270	COMMERCIAL	0.19
54035 01020	COMMUNITY SERVICES	1.41
54035 02070	COMMERCIAL	0.29
54035 02080	COMMERCIAL	0.33
54036 01270	COMMERCIAL	0.31
54036 01280	COMMERCIAL	0.1
54036 01290	COMMERCIAL	0.42
54049 00010	COMMERCIAL	0.26
54049 01080	COMMERCIAL	0.09
54049 01090	COMMERCIAL	0.04
54049 01110	COMMERCIAL	0.11
54049 01140	COMMERCIAL	0.23
54049 01180	COMMERCIAL	0.19
54049 01240	COMMERCIAL	0.24
54099 00010	COMMERCIAL	0.21
54099 00020	COMMERCIAL	0.84
54099 00160		0.25
54099 00390	COMMERCIAL	0.17
54100 00800	COMMERCIAL	0.28
54100 00820	COMMERCIAL	0.38
54100 01820	COMMERCIAL	0.3
54101 00230	COMMERCIAL	1.09
54101 00260		0.15

54101 00300	VACANT LAND	0.22
54101 00310	COMMERCIAL	0.11
54101 00320	COMMERCIAL	0.12
54101 00330	VACANT LAND	0.03
54101 00350	COMMERCIAL	0.06
54101 00380	COMMERCIAL	0.15
54101 00390	COMMERCIAL	0.25
54101 00410	COMMERCIAL	0.21
54101 00420	COMMERCIAL	0.84
54101 00510	COMMERCIAL	1.53
54101 00550	COMMERCIAL	1.13
54101 00560	COMMERCIAL	0.18
54101 02300	COMMERCIAL	4.22
54101 02310	COMMERCIAL	0.24
54101 02400	COMMERCIAL	0.51
54101 02410	COMMERCIAL	0.76
54102 00020	COMMERCIAL	0.05
54102 00190	COMMERCIAL	0.11
54102 01200	COMMERCIAL	0.06
54102 01220	COMMERCIAL	0.02
54102 01230	COMMERCIAL	0.07
54102 01240	COMMERCIAL	0.06
54102 01250	COMMERCIAL	0.06
54102 01260	COMMERCIAL	0.06
54102 01270	COMMERCIAL	0.14
54102 01440	COMMUNITY SERVICES	0.5
54102 01470	COMMUNITY SERVICES	0.38
54102 01600	COMMERCIAL	0.28
54102 01690	COMMERCIAL	0.31
54102 01700	COMMUNITY SERVICES	0
54102 01720	COMMERCIAL	0.08
54102 01740	RECREATION AND ENTERTAINMENT	0.55
54102 01800	COMMUNITY SERVICES	1.85
54102 01810	RECREATION AND ENTERTAINMENT	0.24
54102 01820	COMMERCIAL	0.1
54103 00210	COMMUNITY SERVICES	0.33
54103 00330	COMMUNITY SERVICES	1.25
54103 00370	COMMERCIAL	0.1
54103 00380	COMMERCIAL	0.1
54103 01510	COMMERCIAL	0.61
54103 01530	COMMERCIAL	0.27

54103 01540	COMMERCIAL	0.49
54103 01590	COMMERCIAL	0.12
54103 03090	COMMERCIAL	0.05
54103 03100	COMMERCIAL	0.11
54103 03110	COMMERCIAL	0.06
54103 03300	COMMUNITY SERVICES	0.11
54103 03310	COMMUNITY SERVICES	0.11
54103 03320	COMMERCIAL	0.08
54103 03330	COMMERCIAL	0.08
54103 03340	COMMERCIAL	0.04
54103 03350	VACANT LAND	0.26
54103 03370	COMMERCIAL	0.06
54103 03380	COMMERCIAL	0.06
54103 03390	COMMERCIAL	0.01
54103 03400	COMMERCIAL	0.1
54103 03410	COMMERCIAL	0.05
54103 03420	COMMERCIAL	0.05
54103 03430	COMMERCIAL	0.2
54104 00190	COMMERCIAL	0.19
54104 00200	COMMERCIAL	0.19
54104 00290	VACANT LAND	0.52
54105 00050	COMMERCIAL	0.08
54105 00060	COMMERCIAL	0.09
54105 00310	COMMERCIAL	0.09
54105 01040	COMMERCIAL	0.11
54105 01070	COMMUNITY SERVICES	0.53
54105 01120	COMMERCIAL	3.63
54105 01310	VACANT LAND	0.04
54105 01400	COMMERCIAL	0.17
54105 02280	COMMUNITY SERVICES	0.89
54105 04110	COMMERCIAL	0.41
54105 04120	COMMUNITY SERVICES	0.12
54105 04140	COMMERCIAL	0.01
54105 04170	COMMERCIAL	0.05
54105 04180	COMMERCIAL	0.02
54105 04220	COMMERCIAL	0.25
54105 04270	COMMERCIAL	1.35
54105 04330	COMMERCIAL	0.7
54105 04340	COMMERCIAL	0.38
54105 04390	COMMERCIAL	0.74
54105 04400	COMMERCIAL	1.13

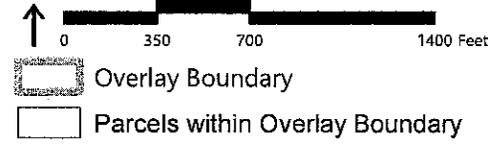
54152 00010	COMMUNITY SERVICES	1.97
54152 00010	COMMUNITY SERVICES	4.08
54152 00050	COMMUNITY SERVICES	0
54153 00010	COMMUNITY SERVICES	0.25
54153 00020	COMMUNITY SERVICES	0.35
54153 00030	COMMUNITY SERVICES	0.53
54153 00040	COMMUNITY SERVICES	2.25
54187 02600	COMMERCIAL	0.17
54187 02610	RESIDENTIAL	0.17
54187 02620	COMMERCIAL	0.17
54187 02630	COMMERCIAL	0.22
54190 00910	INDUSTRIAL	0.11
54190 00940	COMMERCIAL	0.1
54190 02890	COMMERCIAL	0.08
54190 03800	COMMERCIAL	0.17
54190 03810	COMMERCIAL	0.17
54190 05220	INDUSTRIAL	0.09
54190 05230	COMMERCIAL	0.09
54190 05440	COMMERCIAL	0.06
54190 05450	COMMERCIAL	0.13
54193 00710	COMMUNITY SERVICES	0.15
54193 00730	COMMERCIAL	1.45
54193 03310	COMMUNITY SERVICES	0.12
54193 03550	COMMUNITY SERVICES	0.03
<b>TOTAL</b>		<b>65.65 ACRES*</b>

Note: \*Total Study Area boundary is ±87 acres including ±65.65 acres in individual tax parcels plus roads and sidewalks.

Source: Nassau County GIS



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Baldwin Overlay District | Town of Hempstead, NY

Proposed Overlay

Source: Town of Hempstead, VHB

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only (If applicable)

Project :   
 Date :

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>Construction impacts associated with maximum potential theoretical build-out.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**2. Impact on Geological Features**  
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: Through the implementation of the Design Guidelines, the proposed action could improve stormwater management		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>		<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: <u>The proposed action may permit the development of land in a manner that is different from existing conditions with respect to visual character.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>		<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b>			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**  
 The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO  YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

NO

YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

Project :   
 Date :

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attachment.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1             Part 2             Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Hempstead Town Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Baldwin Mixed-Use Overlay District

Name of Lead Agency: Town of Hempstead Town Board

Name of Responsible Officer in Lead Agency: Richard Regina, Esq., Counsel to the Town Board

Title of Responsible Officer: See above

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer) Gail A. Pesner, AICP, VHB Senior Proj. Mgr.

Date:

3/29/19

**For Further Information:**

Contact Person: Richard Regina, Esq., EA

Address: 1 Washington Street Hempstead, NY 11550

Telephone Number: (516) 414-6572

E-mail: rregina@tohmail.org

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)  
DETERMINATION OF SIGNIFICANCE  
POSITIVE DECLARATION  
NOTICE OF INTENT TO PREPARE A  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)  
PROPOSED AMENDMENTS TO THE TOWN OF HEMPSTEAD ZONING ORDINANCE  
BALDWIN MIXED-USE OVERLAY DISTRICT  
GRAND AVENUE CORRIDOR, BALDWIN  
TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK**

**Date: April 16, 2019**

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and the implementing regulations set forth in 6 NYCRR Part 617.

The Town Board of the Town of Hempstead (hereinafter the "Town Board"), as lead agency, has determined that the proposed action described below may have significant effect on the environment and that a Draft Generic Environmental Impact Statement (DGEIS) will be prepared.

**Name of Action:** Baldwin Mixed-Use Overlay District

**Project Location:** Approximately 87± acres in a three quarter-mile mixed-use corridor running along Grand Avenue from the intersection of Florence Street/Milburn Avenue to the north and Merrick Road to the south, hamlet of Baldwin, Town of Hempstead, Nassau County (see annexed map).

**SEQR Status:** Type I

**Description of Action:** The proposed action involves the adoption of a Zoning Overlay District entitled Baldwin *Mixed-Use Overlay District (B-MX)* ("Overlay District") and associated Design Standards to facilitate high-quality and economically viable development within and around the Grand Avenue corridor in the hamlet of Baldwin, Town of Hempstead, Nassau County.

The proposed Overlay District is designed to provide specific guidance for the development of property and street enhancements within the target area while allowing for flexibility and creativity in project design to foster the appropriate growth of the area in an orderly and desirable fashion. The overall goal for the rezoning of the study area is to provide a framework for future development and revitalization in downtown Baldwin. The economic health and resiliency of this commercial corridor has been affected by its lack of private sector investment, discontinuity of uses, and history of vacancies. The new Overlay District seeks to leverage the area's proximity to public transportation by promoting mixed-use transit-oriented development around the Baldwin Long Island Rail Road (LIRR) station to meet increasing demands for housing and retail uses, drive foot traffic, implement transportation and infrastructure improvements necessary to accommodate future growth, and enhance the visual quality and pedestrian amenities through the implementation of design guidelines.

**Reasons Supporting This Determination:**

The Town Board, in reviewing the proposed action, using the available information and comparing it with the thresholds set forth at 6 NYCRR §§617.4 and 617.5, has determined that the proposed action is a Type I action. The Town Board, as lead agency and after review and analysis of the proposed action, the issues and areas of environmental concern identified in Parts 1, 2 and 3 of the Environmental Assessment Form, the criteria contained in 6 NYCRR §617.7(c) and other supporting information, finds that the proposed action may have a significant effect upon the environment and that a DGEIS should be prepared to evaluate the potential impacts resulting from the maximum theoretical development potential resulting from the adoption and implementation of the proposed Overlay District. This determination is supported by the following:

Impact on Land

1. Implementation of the proposed action is designed to facilitate redevelopment over multiple years, which may involve the excavation of material (e.g., for foundations and basements,

**SEQRA Positive Declaration**  
**Town of Hempstead Town Board**  
**Proposed Amendments to The Town of Hempstead Zoning Ordinance**  
**to Establish the Baldwin Mixed-Use Overlay District**

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drainage infrastructure) and potential transport of material, and may result in the alteration of land surfaces. As such, the proposed action has the potential to result in construction-related impacts and may alter local stormwater runoff patterns as well.

2. Construction activities may result in adverse traffic impacts.

Impact on Groundwater Resources

3. New development that may be permitted upon implementation of the proposed action has the potential to result in a future increase in the demand for potable water.
4. New development permitted under the proposed action may require the bulk storage of petroleum or chemical products (e.g., fuel oil) over a sole source aquifer, which has the potential to impact groundwater resources.

Impact on Flooding

5. The proposed action would result in development of lands within the 100- and 500-year floodplain, and there has been historic flooding in the area. Impacts associated therewith must be evaluated, and appropriate mitigation measures identified.
6. Redevelopment activities could result in erosion and sedimentation, these issues, as well as stormwater management must be assessed.
7. Redevelopment and the potential impacts relating to climate change and sea level rise must be assessed.

Impact on Aesthetic Resources

8. Future development under the proposed action could have a significant impact on the visual resources of the Town, which could be viewed by a large number of people, including residents, motorists, pedestrians, bicyclists and public transportation users.

Impact on Historic and Archaeological Resources

9. There are two properties located within the study area that have been determined by the New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing in the State and National Registers of Historic Places: the Koch Building and the Baldwin Public Library. Portions of the study area are also designated as sensitive for archaeological sites.

Impact on Transportation

10. Development under the proposed action may result in increased trip generation that would impact area roadways.
11. Nassau County is proposing a Complete Streets project on Grand Avenue in Baldwin. The consistency of the proposed action with that project must be assessed.
12. Implementation of the proposed action may place an increased demand on parking facilities and the availability of parking.

Impact on Energy

13. The ultimate redevelopment in the study area may result in significant energy usage. As of the time of adoption of this Determination of Significance, there is uncertainty regarding the approval of the Northeast Supply Enhancement Project. National Grid has publicly stated that if that project is not approved, there may be a moratorium placed on natural gas connections.

**SEQRA Positive Declaration  
Town of Hempstead Town Board  
Proposed Amendments to The Town of Hempstead Zoning Ordinance  
to Establish the Baldwin Mixed-Use Overlay District**

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Impact on Noise and Light

14. During construction, significant noise impacts could occur.
15. Redevelopment activities could result in lighting impacts.

Impact on Community Character

16. Implementation of the proposed action may result in development that would change the types and intensity of land uses, which could impact neighborhood character.
17. Future development resulting from the implementation of the proposed action may result in an increased demand for community services, such as schools, fire protection, police protection, solid waste and recreational resources.

**Scoping:** Formal public scoping will be conducted.  
May 6, 2019  
7 P.M.  
Town of Hempstead  
Town Hall  
1 Washington Street  
Hempstead, New York 11550  
<https://hempsteadny.gov/>

**For Further Information:**

**Contact Person:** Richard Regina, Esq., EA  
Counsel to the Town Board  
Town of Hempstead

**Address:** 1 Washington Street  
Hempstead, New York 11550

**Telephone No.:** (516) 414-6572

**A Copy of this Notice has been Sent To:**

Laura A. Gillen, Supervisor and Town Council Members  
Town of Hempstead  
One Washington Street  
Hempstead, NY 11550

David P. Weiss, Chairman  
Town of Hempstead Board of Appeals  
One Washington Street  
Hempstead, NY 11550

Tom Toscano, Commissioner  
Town of Hempstead Highway Department  
350 Front Street  
Hempstead, NY 11550

Commissioner Lawrence E. Eisenstein, MD, MPH, FACP  
Nassau County Department of Health

**SEQRA Positive Declaration  
Town of Hempstead Town Board  
Proposed Amendments to The Town of Hempstead Zoning Ordinance  
to Establish the Baldwin Mixed-Use Overlay District**

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200 County Seat Drive, North Entrance  
Mineola, NY, 11501

Commissioner Kenneth G. Arnold, P.E.  
Nassau County Department of Public Works  
1194 Prospect Ave.  
Westbury, NY 11590-2723

Sean Sallie, AICP  
Deputy Commissioner  
Nassau County Planning Department  
1194 Prospect Avenue  
Westbury, NY 11590

Joseph J. Kearney, Executive Director  
Nassau County Industrial Development Agency  
Theodore Roosevelt Executive & Legislative Building  
1 West St., 4th Floor  
Mineola, NY 11501

Florestano Girardi, Chairman  
Town of Hempstead Industrial Development Agency  
350 Front Street  
Room 234-A  
Hempstead, NY 11550

Lanny Wexler, Regional Bicycle and Pedestrian Coordinator  
New York State Department of Transportation  
Perry B. Duryea, Jr. State Office Building  
250 Veterans Memorial Highway  
Hauppauge, NY 11788

Denise Venuti Free, Director of Communications and External Affairs  
New York American Water, Long Island Water Corporation  
60 Brooklyn Avenue  
Merrick, NY 11566

Adam Yablonsky, Lead Environmental Engineer  
National Grid  
Environmental Management – Downstate NY  
175 East Old Country Road  
Hicksville, NY 11801

Edward M. Aldrich  
PSEG Long Island  
Licensing and Permitting, Project Manager  
T&D Projects and Construction  
999 Stewart Avenue  
Bethpage, NY 11714

Cara Longworth  
Regional Director, Long Island  
Empire State Development  
150 Motor Parkway  
Hauppauge, NY 11788

**SEQRA Positive Declaration  
Town of Hempstead Town Board  
Proposed Amendments to The Town of Hempstead Zoning Ordinance  
to Establish the Baldwin Mixed-Use Overlay District**

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Baldwin Fire District  
Attn: Douglas Wiedmann, Chairman of the Board of Commissioners  
2386 Grand Avenue  
Baldwin, NY 11510

Baldwin Union Free School District:  
Attn: Dr. Shari L. Camhi, Superintendent of Schools  
960 Hastings Street  
Baldwin, NY 11510

Town of Hempstead Sanitary District No. 2  
Attn: Brian O'Connor, Chairman of the Board of Commissioners  
2080/2090 Grand Avenue  
Baldwin, NY 11510

Dr. Kishore Kuncham  
Superintendent of Schools  
Freeport Public Schools  
235 N. Ocean Avenue  
Freeport, NY 11520

Commissioner George Bakich  
Town of Hempstead  
Department of Planning and Economic Development  
200 North Franklin Street  
Hempstead, NY 11550

Town of Hempstead  
Department of Conservation and Waterways  
P.O. Box 180  
Lido Boulevard  
Point Lookout, NY 11569

**This Notice has also been forwarded for publication in the Environmental Notice Bulletin**

## DRAFT SCOPE

### DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR PROPOSED AMENDMENTS TO THE TOWN OF HEMPSTEAD ZONING ORDINANCE BALDWIN MIXED-USE OVERLAY DISTRICT GRAND AVENUE CORRIDOR, BALDWIN TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK

April 16, 2019

#### Overview

This document is the Draft Scope for the Draft Generic Environmental Impact Statement (DGEIS) for the proposed amendments to the Town of Hempstead Zoning Ordinance (Article XLII) and the Official Zoning Map of the Town of Hempstead consisting of a new Baldwin Mixed-Use Overlay District ("B-MX District" or "Overlay District") and proposed Design Guidelines for the B-MX District (the "Proposed Action").

The B-MX District encompasses an approximately three-quarter-mile mixed-use corridor, consisting of 185 individual tax parcels located within 87± acres along Grand Avenue. The approximate boundaries of the corridor include parcels adjacent to Grand Avenue, which are bounded by the intersection of Florence Street and Milburn Avenue to the north and Merrick Road to the south. The B-MX District, which runs north-south along Grand Avenue, intersects several key east-west corridors including Sunrise Highway between Chestnut Street/Rockwood Avenue to the west, and includes parcels to the east of Milburn Avenue. Along Merrick Road, the boundary extends west to Gale Avenue and east to Park Avenue. The Baldwin Long Island Rail Road (LIRR) Station is centrally located within the Overlay District at the intersection of Grand Avenue and Sunrise Highway (the "study area") within the hamlet of Baldwin, Town of Hempstead, New York (see Figure 1 at the end of this document).

With respect to the State Environmental Quality Review Act (SEQRA) process, the Town Board of the Town of Hempstead ("Town Board") commenced coordinated review of the Proposed Action on March 8, 2019 in accordance with 6 NYCRR §617.6. On April 16, 2019 the Town Board declared itself Lead Agency for the SEQRA review, classified the Proposed Action as Type I, and adopted a Positive Declaration indicating that the Proposed Action may have a significant adverse impact on the environment and, therefore, required the preparation of a Generic Environmental Impact Statement (GEIS).

The Town Board is requiring public scoping and this Draft Scope is the first step in that process. The primary goals of scoping are to focus the GEIS on potentially significant adverse impacts of the Proposed Action and to eliminate consideration of those impacts that are irrelevant or not significant. This Draft Scope provides a description of the proposed action and the proposed content of the Draft GEIS (DGEIS), and has been prepared in accordance with 6 NYCRR §617.8(b), which requires that a Draft Scope contain:

1. Brief description of the proposed action;
2. Description of potentially significant adverse impacts;
3. Extent and quality of information needed to adequately address potentially significant adverse impacts;
4. Initial identification of mitigation measures; and
5. Reasonable alternatives to be considered.

#### Brief Description of The Proposed Action

On August 7, 2018, the Town Board accepted the *Baldwin Downtown and Commercial Corridor Resiliency Study* ("DCCR Study"), which was commissioned by the New York State Governor's Office of Storm Recovery through the NY Rising Community Reconstruction Plan and completed in Spring 2017. The *DCCR Study* was the culmination of a year-long planning initiative that included extensive outreach to civic groups, public and private entities, as well as input from environmental and economic planners. The *DCCR Study* identified various needs for the revitalization of Baldwin along with recommendations on how zoning and design could improve the Grand Avenue corridor.

The Town is focused on creating an environment that facilitates private investment, public benefits, and true economic development within Baldwin. With the Proposed Action, the Town seeks to offer development tools that include zoning and design guidelines to attract new development and to enhance existing community assets along the Grand Avenue corridor.

The Proposed Action involves the adoption of a new Baldwin Mixed-Use Overlay District, which consists of 185 individual tax parcels located within the 87±-acre study area along Grand Avenue, in the hamlet of

Baldwin. The Overlay District would apply to those parcels in the study area that are proposed for redevelopment, new development or expansion of existing buildings by ten percent or more of the gross floor area ratio. For existing buildings, rehabilitations and expansions of less than ten percent of the gross floor area ratio, the underlying zoning would apply. These parcels are listed in Table 1 – Tax Parcels within the *Proposed Zoning Overlay District* (located at end of this document) and are shown on the Baldwin Mixed-Use Overlay District map (Figure 1). The Overlay District establishes objectives, policies, and standards to promote orderly development and redevelopment within its boundaries and to encourage the efficient use of land, to catalyze revitalization and to foster a sense of place through the development of a transit-oriented, mixed-use and pedestrian-friendly corridor along Grand Avenue.

The B-MX District designates subdistricts that encompass the study area that include varying allowances for overall density and building height. These subdistricts convey the specific character that the Town wishes to achieve within the study area:

- Mixed-Use, Transit-Oriented Development (B-MX, TOD) – includes the area in closest proximity to the Baldwin LIRR Station with a maximum height of 75 feet.
- Mixed-Use, Merrick Road Gateway (B-MX, MRG) – includes the area in the southern portion of the Study Area near the intersection of Grand Avenue and Merrick Road, with a maximum height of 60 feet.
- Mixed-Use, Commercial Transition (B-MX, CT) – three low density subdistricts which are located north, south and west of the B-MX, TOD subdistrict, with a maximum height of 45 feet.

In addition to describing the Overlay District, the DGEIS will fully describe the proposed Design Guidelines for the Study Area. Design standards and guidelines are a critical tool to help guide development in a way that can help realize the community's goals and objectives. The proposed Design Guidelines are intended to provide clear objectives for those embarking on the planning and design of projects in Baldwin and to create a coordinated and consistent design review process. The proposed Design Guidelines will serve as the document for design review in the Overlay District, providing a framework for the review process for Planning staff, project sponsors, design professionals, neighborhood groups and the general public.

The Design Guidelines are intended to guide all development where they would apply and establish a set of expectations, goals, values, and qualities by which projects are evaluated in design review. The Design Guidelines will be fully examined in the DGEIS together with the proposed Overlay District as part of the Proposed Action.

The DGEIS will identify the densities that would be allowed under the Overlay District and will calculate a theoretical maximum development potential build-out ("theoretical build-out") in accordance with the Overlay District. That theoretical build-out will be used to evaluate the impacts associated with implementation of the Proposed Action.

The parcels associated with the Proposed Action are located in the area serviced by the Long Island American Water Corporation (potable water), Nassau County Sewer District (sanitary waste disposal), National Grid (natural gas – if utilized), and PSEG Long Island (electricity).

In order to implement the Proposed Action, the approvals set forth below are required. It should be noted that, to ensure comprehensive review in accordance with SEQRA and its implementing regulations at 6 NYCRR Part 617, the DGEIS will evaluate not only the adoption of the Overlay District and Design Guidelines, but redevelopment in accordance with the Overlay District. Accordingly, the table below provides approvals that may be necessary for future applicants that may develop or redevelop their property(ies) in accordance with that Overlay District.

Agency	Required Permit or Approval
Town of Hempstead Town Board	Adoption of Baldwin Mixed-Use Overlay District and Design Guidelines
Town of Hempstead Building Department	Site Plan Approval
Town of Hempstead Board of Appeals	Possible Variances for Individual Property Development
Town of Hempstead Highway Department	Road Work Permits
Nassau County Planning Commission	239m Referral (Article 12-B) of New York State
Nassau County Department of Health	Water Supply and Sanitary Discharge
Nassau County Department of Public Works	Sewer Connection, 239f review
New York State Department of Environmental Conservation	Notice of Intent – SWPPP for SPDES General Permit for Stormwater

New York State Department of Transportation  
Nassau County Industrial Agency  
Town of Hempstead Industrial Agency  
Long Island American Water Corporation  
National Grid  
PSEG Long Island  
Nassau County

Highway Work Permit (Sunrise Highway)  
Potential IDA Benefits  
Potential IDA Benefits  
Water Supply  
Gas connections  
Electrical connections  
General Municipal Law, and Article XVI, Sections  
1606-1608 of Nassau County Law, to  
review zoning actions referred by local  
governments

The Description of the Proposed Action section of the DGEIS will include the following:

- Description of the location of the study area along with appropriate maps and aerial photographs
- Project history and SEQRA process
- Description of the proposed Overlay District and Design Guidelines
- Description of study area and current site uses and activities
- Project purpose and need
- Project benefits, including socioeconomic benefits
- Theoretical maximum development potential, including zoning and build-out data
- Infrastructure requirements, including water supply, wastewater treatment and stormwater management
- Required permits and approvals

#### **Potentially Significant Adverse Impacts**

As discussed above, the primary goals of scoping are to focus the DGEIS on potentially significant adverse impacts, and to eliminate consideration of those impacts that are irrelevant or not significant. The Positive Declaration adopted by the Lead Agency indicated that implementation of the Proposed Action could result in one or more potentially significant adverse environmental impacts, and listed the following as reasons supporting the Determination of Significance:

1. *Implementation of the proposed action is designed to facilitate redevelopment over multiple years, which may involve the excavation of material (e.g., for foundations and basements, drainage infrastructure) and potential transport of material, and may result in the alteration of land surfaces. As such, the proposed action has the potential to result in construction-related impacts and may alter local stormwater runoff patterns as well.*
2. *Construction activities may result in adverse traffic impacts.*
3. *New development that may be permitted upon implementation of the proposed action has the potential to result in a future increase in the demand for potable water.*
4. *New development permitted under the proposed action may require the bulk storage of petroleum or chemical products (e.g., fuel oil) over a sole source aquifer, which has the potential to impact groundwater resources.*
5. *The proposed action would result in development of lands within the 100- and 500-year floodplain, and there has been historic flooding in the area. Impacts associated therewith must be evaluated, and appropriate mitigation measures identified.*
6. *Redevelopment activities could result in erosion and sedimentation, these issues, as well as stormwater management must be assessed.*
7. *Redevelopment and the potential impacts relating to climate change and sea level rise must be assessed.*
8. *Future development under the proposed action could have a significant impact on the visual resources of the Town, which could be viewed by a large number of people, including residents, motorists, pedestrians, bicyclists and public transportation users.*

9. *There are two properties located within the study area that have been determined by the New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing in the State and National Registers of Historic Places: the Koch Building and the Baldwin Public Library. Portions of the study area are also designated as sensitive for archaeological sites.*
10. *Development under the proposed action may result in increased trip generation that would impact area roadways.*
11. *Nassau County is proposing a Complete Streets project on Grand Avenue in Baldwin. The consistency of the proposed action with that project must be assessed.*
12. *Implementation of the proposed action may place an increased demand on parking facilities and the availability of parking.*
13. *The ultimate redevelopment in the study area may result in significant energy usage. As of the time of adoption of this Determination of Significance, there is uncertainty regarding the approval of the Northeast Supply Enhancement Project. National Grid has publicly stated that if that project is not approved, there may be a moratorium placed on natural gas connections.*
14. *During construction, significant noise impacts could occur.*
15. *Redevelopment activities could result in lighting impacts.*
16. *Implementation of the proposed action may result in development that would change the types and intensity of land uses, which could impact neighborhood character.*
17. *Future development resulting from the implementation of the proposed action may result in an increased demand for community services, such as schools, fire protection, police protection, solid waste and recreational resources.*

These potential adverse impacts identified by the Lead Agency in Part 3 of the Environmental Assessment Form and in the Positive Declaration and proposed mitigation measures will be addressed in various sections of the DGEIS as outlined below:

#### **Physical Alteration of Land**

Using the calculated, theoretical build-out, this section of the DGEIS will evaluate the impacts of potential physical land alterations associated with development/redevelopment in accordance with the Overlay District. As much of the study area is already developed, much of the natural land surface has already been altered. Using historic aerial photographs and information from the *Soil Survey of Nassau County*, prior alteration of natural land surface will be described. The *United States Department of Agriculture (USDA) Web Soil Survey* and the *Soil Survey of Nassau County* will be used to identify the general soil types on natural areas on the site, and the characteristics of such soils.

The DEIS will include topographic information obtained through review of relevant *U.S. Geological Survey (USGS)* maps.

A discussion of how development affects soils and topography, with additional detail as appropriate to address any special conditions in the study area (e.g., soils with severe limitations), especially as such conditions pertain to the properties that are involved in the theoretical build-out will be provided. This section would provide a general discussion of erosion and sediment control measures, requirement for Stormwater Pollution Prevention Plans (SWPPPs) for any properties exceeding one-acre threshold, etc.

Construction-related impacts, particularly those associated with potential erosion and sedimentation, stormwater and construction vehicle impacts, will be evaluated.

#### **Impact on Groundwater Resources and Flooding**

This section of the DGEIS will provide a general description of the groundwater resources in the study area and the regional and local hydrogeological conditions. The sources of potable water supply and the capacity of the water purveyor (New York American Water) will also be identified. An analysis will be provided of water use upon implementation of the Proposed Action along with an evaluation of the water purveyor's ability to provide the required potable water.

In addition, in the event that fuel oil is used for heating purposes, this section of the DGEIS will describe the regulations pertaining to same as well as the impacts of such use. Mitigation measures to minimize

potential groundwater impacts will also be discussed. It should be noted that National Grid has indicated that if the pending Northeast Supply Enhancement Project is not approved, it may be necessary to institute a moratorium on natural gas connections on Long Island. This could necessitate the use of fuel oil for heating purposes.

This section of the DGEIS will also describe the general drainage conditions, including any known flooding conditions. General stormwater management measures will be described. Using the theoretical build-out, stormwater collection methods and potential changes in drainage patterns would be generally presented. This section will also include a description of the Town's stormwater management requirements. Potential impacts during construction will be discussed, along with measures that would be implemented to minimize potential drainage and flooding issues.

This section of the DGEIS will also include potential impacts relating to climate change and sea level rise and will identify those green infrastructure measures that are included in the Overlay District and Design Guidelines.

#### **Impact on Aesthetic Resources**

This section of the DGEIS will provide a discussion of the visual resources and community character of the study area, and the existing aesthetic character of the area will be documented with representative photos. One of the goals of the Proposed Action is to enhance the visual character of the study area. Accordingly, this section of the DGEIS will explain the components of the Design Guidelines that will help achieve this goal. Representative depictions of visual character of streetscapes and architecture will also be presented in this section of the DGEIS.

#### **Impact on Historic and Archaeological Resources**

Historic and archaeological resources in the study area will be described based on a review of the Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resources Information System (CRIS). Information collected as part of the preparation of the environmental assessment form determined that there are two buildings within the study area that are eligible for listing on the State and National Registers of Historic Places – the Koch Building and the Baldwin Public Library. This section of the DGEIS will evaluate how, on a generic basis, these buildings may be affected by the Proposed Action.

With respect to archaeological resources, portions of the study area have potential archaeological sensitivity. These areas will be discussed. Potential impacts to such areas and mitigation measures to minimize impacts will be evaluated.

#### **Impact on Transportation**

This section of the DGEIS will evaluate the existing and future traffic and parking conditions that are anticipated upon the theoretical build-out. Applicable information and recommendations identified in the *DCCR Study* and the *Grand Avenue Complete Streets Study*,<sup>1</sup> as well as the supplementary field research performed as part of the preparation of the Overlay District and Design Guidelines will form the basis of the analysis. The following specific tasks will be performed:

- A field visit will be conducted to confirm existing features in the study area, including the number of, direction and width of travel lanes, posted speed limits, parking regulations, locations of on- and off-street parking areas, pedestrian connections and traffic control devices
- Turning movement, with vehicle classification utilizing MioVision cameras will be conducted on one typical weekday during the a.m. peak period (7:00 a.m. to 9:00 a.m.), the midday peak period (11:00 a.m. to 1:00 p.m. and the p.m. peak period (4:00 p.m. to 6:00 p.m.). Additional counts would be conducted on a typical Saturday during the midday peak period (11:00 a.m. to 2:00 p.m.) at the following study intersections:
  - Milburn Avenue at Sunrise Highway
  - Central Avenue at Sunrise Highway
  - Rockwood Avenue/ Chestnut Street at Sunrise Highway
- The collected data, as described above, will be compiled and an analysis will be conducted of the existing operating conditions for the above intersections during the peak weekday a.m., midday and p.m. periods, as well as the Saturday midday peak period using the appropriate methodology presented in the latest edition of the *Highway Capacity Manual*.

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<sup>1</sup>Grand Avenue Complete Streets Traffic Impact Analysis dated, March 2019 prepared by The Liro Group on behalf of the Nassau County Department of Public Works

- The "No-Build" base traffic conditions will be estimated by applying a background traffic growth factor to the existing conditions traffic volumes. The growth rate utilized for such projections would be taken from New York Metropolitan Transportation Council (NYMTC) 2010 to 2035 Regional Transportation Plan. In addition, traffic generated by other planned developments in the vicinity of the site will be included in the "No-Build" base condition.
- The latest available information from appropriate governmental agencies will be obtained regarding any planned development projects or roadway/ intersection improvements within the study area. Any such improvements, based upon responses received, will be incorporated into the future "No-Build" and "Build" analyses.
- Trip generation estimates for the project related traffic will be developed utilizing trip generation data outlined in *The Institute of Transportation Engineers, Trip Generation Manual, 10<sup>th</sup> Edition*.
- The site-generated traffic will be added to the "No-Build" volumes at each of the study intersections above to determine the "Build" condition. The "Build" condition will then be analyzed using the latest version of Synchro to determine the relative impacts of the proposed project on surrounding roadways.
- The Grand Avenue Complete Street Traffic Impact Analysis, which takes into account traffic from this proposed Overlay District would be referred to for level of service analysis results for the Existing, No-Build and Build Conditions for the section of Grand Avenue between Merrick Road and Milburn Avenue. Any mitigation measures recommend in the analysis that section would also be summarized and accounted for in our analyses performed for section of Sunrise Highway between Milburn Avenue and Rockwood Avenue/ Chestnut Street.
- The need for mitigation measures will be determined based upon the results of the analysis.
- Existing walkability in the study area will be assessed, and recommendations to enhance and promote walkability would be presented.
- Current public transportation options will be identified, and potential future public transportation options to increase utilization of such systems will be provided.
- Traffic calming measures to reduce crossing distances, increase driver awareness, and improve overall safety for motorists, cyclists, and pedestrians within the study will be reviewed.
- Recommendations for parking requirements will be provided.
- Uses that would best promote a shared parking scenario to minimize parking demand in the study area will be outlined.
- Parking management options would be outlined that will maximize parking utilization within the study area.
- Recommendations will be provided to increase the use of non-motorized modes of transportation to reduce traffic and energy consumption.
- Circulation and access to public parking areas, public transportation, and businesses will be evaluated and recommendations for improvement will be provided, as appropriate
- The results of the analysis, including technical appendices and any recommended mitigation measures would be summarized and incorporated in to the overall DGEIS.

### **Impact on Energy**

This section of the DGEIS will discuss energy sources. The analysis will focus on potential impacts to electricity and natural gas, and potentially fuel oil. Both PSEG Long Island and National Grid will be contacted regarding their ability to meet demand that would result from the theoretical build-out.

### **Impact on Noise and Light**

This section of the DGEIS will describe the existing noise and vibration characteristics of the study area based on ambient sound measurements and general information of the vibration levels generated by existing sources such as LIRR commuter trains. The Proposed Action has the potential to bring noise and vibration sensitive receptors such as residences closer to sources of noise and vibration such as commercial properties and transportation systems.

The DGEIS will evaluate how noise and vibration conditions with the Proposed Action would relate to applicable federal, state and local noise regulations and ordinances. Ambient noise measurements will be evaluated according to noise guidelines such as the United States Housing and Urban Development Noise Standard and other relevant regulations.

This section of the DGEIS will also evaluate potential lighting impacts associated with theoretical build-out. Provisions to mitigate potential noise and vibration effects, and lighting impacts, will be identified and discussed.

### **Impacts on Community Character**

This section of the DGEIS will describe the existing zoning and land use patterns within the study area and on the properties within the study area that are identified as likely to be developed/redeveloped in

accordance with the theoretical build-out condition. As part of this section, relevant land use (comprehensive) plans, i.e., *DCCR Study*, will be reviewed.

This section will provide a synopsis of the proposed zoning code amendments and Design Guidelines and the land use impacts that could result from their implementation. In addition to examining the proposed uses, the DGEIS will confirm that no uses would be removed or displaced, as the zoning allows for existing uses to remain and expand up to ten percent.

The DGEIS will assess the impacts and compatibility of development in accordance with the proposed zoning amendments. This section will also describe how the proposed zoning amendments and Design Guidelines would affect the community character within Baldwin, including streetscape and façade enhancements.

This section of the DGEIS will also identify the community facilities in the study area, particularly educational facilities, sewage disposal and treatment facilities, emergency services, recreational resources and solid waste. Service providers will be consulted, and impacts to these community services, using the theoretical build-out, will be evaluated.

### **EXTENT AND QUALITY OF INFORMATION NEEDED TO ADEQUATELY ADDRESS POTENTIALLY SIGNIFICANT ADVERSE IMPACTS**

Pursuant to the requirements of SEQRA, the Draft Scope must identify the extent and quality of information needed for the DGEIS preparer to adequately address each impact, including an identification of relevant existing information and required new information, including the required methodology(ies) for obtaining new information. While it is not possible to determine all information sources to be used to address all potentially significant adverse impacts, the following represents existing sources of information that have been identified as necessary to perform the required analyses in the DGEIS:

#### **Impact on Land**

- *United States Department of Agriculture (USDA) Web Soil Survey*
- *Soil Survey of Nassau County*
- USGS Topographic Maps

#### **Impact on Groundwater Resources and Flooding**

- *Long Island Comprehensive Waste Treatment Management Plan*
- *Long Island Comprehensive Special Groundwater Protection Area Plan*
- USGS Water-Table and Potentiometric-Surface Altitudes map
- FEMA Flood Maps
- NYS Coastal Zone Map
- Nassau County Public Health Ordinance Article XI
- Consultations with New York American Water
- New York State Stormwater Management Design Manual
- New York Standards and Specifications for Erosion and Sediment Control
- Relevant local and County regulations

#### **Impact on Aesthetic Resources**

- Site and area inspections and photographs
- Proposed Overlay District and Design Guidelines

#### **Impact on Historic and Archaeological Resources**

- Site and area inspections and photographs
- NYS Cultural Resource Information System
- NYS and National Registers of Historic Places
- NYS Historic Preservation Office (SHPO) archeological site inventory

#### **Impact on Transportation**

- Traffic counts
- Accident data review
- Projections of traffic using the ITE publication *Trip Generation*, 10<sup>th</sup> Edition
- ITE Shared Parking Guidelines
- Manual on Uniform Traffic Control Devices
- Grand Avenue, Baldwin Complete Streets Traffic Study – Final Report
- *Highway Capacity Manual*, latest edition
- Synchro 7 or latest edition

- American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets
- New York Metropolitan Transportation Council (NYMTC) 2010 to 2035 Regional Transportation Plan
- Consultations with Town of Hempstead, NCDPW and NYSDOT

**Impact on Energy**

- Estimates of energy consumption
- Consultations with PSEG Long Island and National Grid

**Impact on Noise and Light**

- Ambient noise measurements
- NYSDEC Program Policy – Assessing and Mitigating Noise Impacts.
- Town of Hempstead noise ordinance
- NYSDOT's *The Environmental Manual*, Chapters 4.416 and 4.4.18, April 2011

**Impact on Community Character**

- DCCR Study
- Site and area inspections and photographs
- Aerial photography
- Development Impact Assessment Handbook
- Consultation with services providers to include:
  - Nassau County Police Department
  - Baldwin Fire Department
  - Baldwin Union Free School District
  - Nassau County Sanitary District 1
  - Town of Hempstead and Nassau County recreational resources
  - Nassau County Department of Public Works

**INITIAL IDENTIFICATION OF MITIGATION MEASURES**

As the DGEIS analyses have not yet been conducted, no specific mitigation measures have yet been developed. Nonetheless, where the impact analyses in the DGEIS indicate the potential for significant adverse impacts, this section of the DGEIS will set forth measures to mitigate those impacts.

**REASONABLE ALTERNATIVES TO BE CONSIDERED**

Pursuant to 6 NYCRR Part 617, the DGEIS must contain a description and evaluation of reasonable alternatives to the proposed action. Thus, the DGEIS will analyze the impacts of the SEQRA-mandated No-Action alternative and compare these impacts to those associated with implementation of the Proposed Action.

**Table 1. Tax Parcels Within the Zoning Overlay District**

<b>NASSAU COUNTY</b>		
<b>TAX MAP NUMBER</b>	<b>CURRENT LAND USE CATEGORY</b>	<b>TOTAL PARCEL ACREAGE</b>
54 C 00010	COMMERCIAL	0.26
54 C 02180	COMMERCIAL	2.93
54001 00070	COMMERCIAL	0.01
54001 00100	COMMERCIAL	0.14
54001 00110		0.23
54027 02400		0.02
54027 02410		0.01
54027 02460	RESIDENTIAL	0.11
54027 02480	COMMUNITY SERVICES	0.16
54027 02490	COMMUNITY SERVICES	0.22
54027 02510		0.01
54029 04620	COMMERCIAL	0.13
54029 04630	COMMUNITY SERVICES	0.05
54029 04650	RESIDENTIAL	0.1
54029 04660	COMMERCIAL	0.12
54029 04670	COMMUNITY SERVICES	1.02
54031 00050	COMMERCIAL	0.7
54031 00130	COMMUNITY SERVICES	0.17
54032 00280	COMMERCIAL	0.17
54032 00330	COMMUNITY SERVICES	0.22
54032 01010	COMMERCIAL	0.18
54032 01220	COMMERCIAL	0.07
54032 01230	COMMERCIAL	0.07
54032 01240	COMMERCIAL	0.07
54032 01250	COMMERCIAL	0.08
54032 01270	COMMERCIAL	0.31
54032 05260	COMMERCIAL	0.05
54032 06260	COMMERCIAL	0.09
54032 07260	COMMERCIAL	0.09
		0.13
54032 08350	COMMERCIAL	0.3
54032 08360	COMMERCIAL	0.34
54032 08370	COMMERCIAL	0.33
54032 08380	COMMERCIAL	0.21
54032 08390	RESIDENTIAL	0.2
54032 08400	COMMERCIAL	0.24
54032 08410	COMMERCIAL	0.29
54032 08420	COMMERCIAL	0.01
54033 00330	COMMUNITY SERVICES	0.32
54033 00340	COMMUNITY SERVICES	0.58
54033 03420	COMMERCIAL	0.26
54033 03430	COMMERCIAL	0.07
54033 03440	COMMERCIAL	0.03
54033 03450	COMMERCIAL	0.05
54033 03460	COMMERCIAL	0.06
54033 03470	COMMERCIAL	0.03
54033 03490	COMMERCIAL	0.06
54033 03500	COMMERCIAL	0.03
54033 03510	COMMERCIAL	0.09
54033 03530	COMMERCIAL	0.07
54034 00150	RESIDENTIAL	0.18
54034 01160	COMMERCIAL	0.14

NASSAU COUNTY		
TAX MAP NUMBER	CURRENT LAND USE CATEGORY	TOTAL PARCEL ACREAGE
54034 02150	COMMERCIAL	0.9
54034 04160	COMMERCIAL	0.04
54034 04230	COMMERCIAL	0.1
54034 04260	COMMERCIAL	0.14
54034 04270	COMMERCIAL	0.19
54035 01020	COMMUNITY SERVICES	1.41
54035 02070	COMMERCIAL	0.29
54035 02080	COMMERCIAL	0.33
54036 01270	COMMERCIAL	0.31
54036 01280	COMMERCIAL	0.1
54036 01290	COMMERCIAL	0.42
54049 00010	COMMERCIAL	0.26
54049 01080	COMMERCIAL	0.09
54049 01090	COMMERCIAL	0.04
54049 01110	COMMERCIAL	0.11
54049 01140	COMMERCIAL	0.23
54049 01180	COMMERCIAL	0.19
54049 01240	COMMERCIAL	0.24
54099 00010	COMMERCIAL	0.21
54099 00020	COMMERCIAL	0.84
54099 00160		0.25
54099 00390	COMMERCIAL	0.17
54100 00800	COMMERCIAL	0.28
54100 00820	COMMERCIAL	0.38
54100 01820	COMMERCIAL	0.3
54101 00230	COMMERCIAL	1.09
54101 00260		0.15
54101 00300	VACANT LAND	0.22
54101 00310	COMMERCIAL	0.11
54101 00320	COMMERCIAL	0.12
54101 00330	VACANT LAND	0.03
54101 00350	COMMERCIAL	0.06
54101 00380	COMMERCIAL	0.15
54101 00390	COMMERCIAL	0.25
54101 00410	COMMERCIAL	0.21
54101 00420	COMMERCIAL	0.84
54101 00510	COMMERCIAL	1.53
54101 00550	COMMERCIAL	1.13
54101 00560	COMMERCIAL	0.18
54101 02300	COMMERCIAL	4.22
54101 02310	COMMERCIAL	0.24
54101 02400	COMMERCIAL	0.51
54101 02410	COMMERCIAL	0.76
54102 00020	COMMERCIAL	0.05
54102 00190	COMMERCIAL	0.11
54102 01200	COMMERCIAL	0.06
54102 01220	COMMERCIAL	0.02
54102 01230	COMMERCIAL	0.07
54102 01240	COMMERCIAL	0.06
54102 01250	COMMERCIAL	0.06
54102 01260	COMMERCIAL	0.06
54102 01270	COMMERCIAL	0.14
54102 01440	COMMUNITY SERVICES	0.5

NASSAU COUNTY		
TAX MAP NUMBER	CURRENT LAND USE CATEGORY	TOTAL PARCEL ACREAGE
54102 01470	COMMUNITY SERVICES	0.38
54102 01600	COMMERCIAL	0.28
54102 01690	COMMERCIAL	0.31
54102 01700	COMMUNITY SERVICES	0
54102 01720	COMMERCIAL	0.08
54102 01740	RECREATION AND ENTERTAINMENT	0.55
54102 01800	COMMUNITY SERVICES	1.85
54102 01810	RECREATION AND ENTERTAINMENT	0.24
54102 01820	COMMERCIAL	0.1
54103 00210	COMMUNITY SERVICES	0.33
54103 00330	COMMUNITY SERVICES	1.25
54103 00370	COMMERCIAL	0.1
54103 00380	COMMERCIAL	0.1
54103 01510	COMMERCIAL	0.61
54103 01530	COMMERCIAL	0.27
54103 01540	COMMERCIAL	0.49
54103 01590	COMMERCIAL	0.12
54103 03090	COMMERCIAL	0.05
54103 03100	COMMERCIAL	0.11
54103 03110	COMMERCIAL	0.06
54103 03300	COMMUNITY SERVICES	0.11
54103 03310	COMMUNITY SERVICES	0.11
54103 03320	COMMERCIAL	0.08
54103 03330	COMMERCIAL	0.08
54103 03340	COMMERCIAL	0.04
54103 03350	VACANT LAND	0.26
54103 03370	COMMERCIAL	0.06
54103 03380	COMMERCIAL	0.06
54103 03390	COMMERCIAL	0.01
54103 03400	COMMERCIAL	0.1
54103 03410	COMMERCIAL	0.05
54103 03420	COMMERCIAL	0.05
54103 03430	COMMERCIAL	0.2
54104 00190	COMMERCIAL	0.19
54104 00200	COMMERCIAL	0.19
54104 00290	VACANT LAND	0.52
54105 00050	COMMERCIAL	0.08
54105 00060	COMMERCIAL	0.09
54105 00310	COMMERCIAL	0.09
54105 01040	COMMERCIAL	0.11
54105 01070	COMMUNITY SERVICES	0.53
54105 01120	COMMERCIAL	3.63
54105 01310	VACANT LAND	0.04
54105 01400	COMMERCIAL	0.17
54105 02280	COMMUNITY SERVICES	0.89
54105 04110	COMMERCIAL	0.41
54105 04120	COMMUNITY SERVICES	0.12
54105 04140	COMMERCIAL	0.01
54105 04170	COMMERCIAL	0.05
54105 04180	COMMERCIAL	0.02
54105 04220	COMMERCIAL	0.25
54105 04270	COMMERCIAL	1.35
54105 04330	COMMERCIAL	0.7

<b>NASSAU COUNTY</b>		
<b>TAX MAP NUMBER</b>	<b>CURRENT LAND USE CATEGORY</b>	<b>TOTAL PARCEL ACREAGE</b>
54105 04340	COMMERCIAL	0.38
54105 04390	COMMERCIAL	0.74
54105 04400	COMMERCIAL	1.13
54152 00010	COMMUNITY SERVICES	1.97
54152 00010	COMMUNITY SERVICES	4.08
54152 00050	COMMUNITY SERVICES	0
54153 00010	COMMUNITY SERVICES	0.25
54153 00020	COMMUNITY SERVICES	0.35
54153 00030	COMMUNITY SERVICES	0.53
54153 00040	COMMUNITY SERVICES	2.25
54187 02600	COMMERCIAL	0.17
54187 02610	RESIDENTIAL	0.17
54187 02620	COMMERCIAL	0.17
54187 02630	COMMERCIAL	0.22
54190 00910	INDUSTRIAL	0.11
54190 00940	COMMERCIAL	0.1
54190 02890	COMMERCIAL	0.08
54190 03800	COMMERCIAL	0.17
54190 03810	COMMERCIAL	0.17
54190 05220	INDUSTRIAL	0.09
54190 05230	COMMERCIAL	0.09
54190 05440	COMMERCIAL	0.06
54190 05450	COMMERCIAL	0.13
54193 00710	COMMUNITY SERVICES	0.15
54193 00730	COMMERCIAL	1.45
54193 03310	COMMUNITY SERVICES	0.12
54193 03550	COMMUNITY SERVICES	0.03
<b>TOTAL</b>		<b>65.65 ACRES*</b>

\*Total Study Area boundary is ±87 acres including ±65.65 acres in individual tax parcels plus roads and sidewalks.

\\whb\gb\proj\WhitePlains\28299.10 Baldwin Overlay Zone\docs\VARIOUS\Scope\BaldwinDraftScope\_04082019.docx

CASE NO.

RESOLUTION NO.

Adopted:

offered

the following resolution and moved its adoption:

RESOLUTION APPROVING SITE PLANS SUBMITTED BY PETER LAMBROS, V.P ON BEHALF OF ST. MICHAELS HOME, INC. IN CONNECTION WITH BUILDING APPLICATION #201401483, TO CONVERT AN EXISTING CHURCH SEMINARY FOR NURSING HOME, ASSISTED LIVING AND SENIOR RESIDENCE USES WITH ASSOCIATED SITE IMPROVEMENTS LOCATED ON THE SOUTH SIDE OF FRONT STREET, 109.50 FEET EAST OF MAPLE GROVE AVENUE, UNIONDALE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, heretofore, Peter Lambros, V.P on behalf of St. Michaels Home, Inc. has submitted an application bearing #201401483, to convert an existing church seminary for nursing home, assisted living and senior residence uses with associated site improvements located on the south side of Front Street, 109.50 east of Maple Grove Avenue, Uniondale, Town of Hempstead, New York; and

WHEREAS, in connection with such application and pursuant to the requirements of Section 305 of Article XXXI of the Building Zone Ordinance of the Town of Hempstead, said applicant has submitted a Alignment and Materials Plan, dated September 1, 2015, last revised March 20, 2018, and bearing the seal of Joseph R. Amato , P.E., License # 56484, University of the State of New York, which site plans show the use, dimensions, types and locations of each of the buildings, structures, or other improvements existing or proposed to be installed, erected or altered upon the site shown and the provisions proposed to be made for the facilities and improvements required by said Section 305 to be shown; and

WHEREAS, said site plan has been approved as submitted by the Commissioner of the Highway Department, the Town Engineer and the Commissioner of the Department of Buildings; and

WHEREAS, the Town Board, after giving due consideration to those matters required to be considered by them pursuant to the provisions of the aforesaid Section 305, finds it in the public interest that the site shown be developed and improved in accordance with the site plan as submitted subject to the conditions thereon noted and pursuant to Condition # 3 of the 2014 decision of the BZA, no development of the vacant southerly portion of the subject property shall be approved unless and until further specific authorization by the Board of Zoning Appeals has been granted.

NOW THEREFORE, BE IT

RESOLVED, that the site plan submitted by Peter Lambros, V.P on behalf of St. Michaels Home, Inc. entitled Alignment and Materials Plan, dated September 1, 2015 and last revised March 20, 2018 and bearing the seal of Joseph R. Amato, P.E., License #56484, University of the State of New York, in connection with building application #201401483, to convert an existing church seminary for nursing home, assisted living and senior residence uses with associated site improvements located on the south side of Front Street, 190.50 feet east of Maple Grove Avenue, Uniondale, Town of Hempstead, New York, be and the same is hereby approved.

The foregoing resolution was adopted upon role call as follows:

AYES:

NOES:

Item # 27

Case # 30004

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEED AND RELATED DOCUMENTS WITH THE CITY OF LONG BEACH FOR THE SALE OF A CERTAIN 32,698 SQUARE FOOT PARCEL OF VACANT REAL PROPERTY LOCATED AT REYNOLDS CHANNEL WITHIN THE CITY OF LONG BEACH.**

**WHEREAS**, pursuant to Resolution No. 6-2019, the Town of Hempstead (the "Town") authorized the sale of a vacant, waterfront, 32,698± square foot, irregular shaped land parcel possessing 9,162± square feet (28%) of area below the mean high water line and 23,536± square feet (72%) of area above the mean high water line of the south shoreline of Reynolds Channel and within the city limits of the City of Long Beach (the "Property"); and

**WHEREAS**, in order to effectuate the sale of the Property, the Town is required to execute certain documents, including a deed transferring title to the Property and a memorandum of understanding outlining the terms and conditions of the transfer (the "Documents"); and

**WHEREAS**, in furtherance of Resolution No. 6-2019, the Town Board deems it to be in the best interests of the Town to authorize the execution of the Documents for the transfer of the Property to the City of Long Beach.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board hereby authorizes the Supervisor to execute and/or ratify the execution of the Documents, and any amendments thereto, relative to the transfer of the Property to the City of Long Beach, and to take such further action as may be necessary to effectuate the foregoing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

Case #

28

30026

CASE NO.

RESOLUTION NO.

Adopted:

and moved its adoption: offered the following resolution

RESOLUTION AUTHORIZING THE OFFICE OF THE TOWN ATTORNEY TO SETTLE THE CLAIM OF SPARTAN RECOVERIES, LLC ON BEHALF OF NARRAGANSETT INSURANCE COMPANY AS SUBROGEE OF JAMES GIOVANNIELLO IN THE AMOUNT OF \$20,740.48.

WHEREAS, Spartan Recoveries, LLC, with offices in Bohemia, New York, on behalf of Narragansett Insurance Company as subrogee of James Giovanniello, made a property damage claim against the Town of Hempstead that occurred when the Town of Hempstead Department of Water was replacing a water meter at James Giovanniello's residence in East Meadow, New York on July 10, 2018; and

WHEREAS, subsequent to making this claim, a proposal was made between Spartan Recoveries, LLC on behalf of Narragansett Insurance Company as subrogee of James Giovanniello and the Claims Service Bureau of New York Inc., the claims representatives of the Town of Hempstead, to settle this claim in the amount of \$20,740.48; and

WHEREAS, Spartan Recoveries, LLC on behalf of Narragansett Insurance Company as subrogee of James Giovanniello, has forwarded an executed general release to the Office of the Town Attorney regarding this claim; and

WHEREAS, the Claims Service Bureau of New York, Inc. and the Office of the Town Attorney recommend that this claim be settled in the amount proposed as being in the best interest of the Town of Hempstead.

NOW, THEREFORE, BE IT

RESOLVED, the Office of the Town Attorney is authorized to settle the property damage claim of Spartan Recoveries, LLC on behalf of Narragansett Insurance Company as subrogee of James Giovanniello, regarding an accident occurring on July 20, 2018 in the amount of \$20,740.48 in full and final settlement of this claim, the aforesaid settlement amount to be paid out of the Water Operating Fund Tort Liability Account.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

29

Case #

10889





BOND RESOLUTION OF THE TOWN OF HEMPSTEAD, NEW YORK, ADOPTED \_\_\_\_\_, 2019, AUTHORIZING THE PAYMENT OF A SETTLED CLAIM BY THE TOWN IN THE FOLLOWING MATTER: *JOSEPH GALEAS V. TOWN OF HEMPSTEAD, ET AL.* (INDEX NO. 15-007712, SUPREME COURT, NASSAU COUNTY), STATING THE ESTIMATED TOTAL COST THEREOF IS \$800,000.00, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE TOWN IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000.00 TO FINANCE SAID APPROPRIATION.

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_ to wit:

THE TOWN BOARD OF THE TOWN OF HEMPSTEAD, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. Pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "SEQRA"), the Town Board of the Town of Hempstead, in the County of Nassau, New York (herein called the "Town") hereby determines that the object or purpose for which the bonds are herein authorized is a Type II Action, and that no further action is required to satisfy the requirements of SEQRA.

The Town is hereby authorized to pay the following settled claim: *Joseph Galeas v. Town of Hempstead, et al.* (Index No. 15-007712, Supreme Court, Nassau County). The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$800,000.00 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Town in the principal amount of not to exceed \$800,000.00 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of not to exceed \$800,000.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the object or purpose for which said Bonds are authorized to be issued, within the limitations of Sections 11.00 a. 33. of the Law, is five (5) years; provided, however, that in the event the total amount of such judgment and any other similar claims, judgments or awards falling due and being paid in a single fiscal year shall exceed one per centum of the average assessed valuation of real property in the Town, the applicable period of probable usefulness shall be ten (10) years; and provided further that in the event such judgment and any other similar claims, judgments or awards falling due and being paid in a single fiscal year shall exceed two per centum of the average assessed valuation of real property in the Town, the applicable period of probable usefulness shall be fifteen (15) years.
- (b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized.

Item # 30

Case # 10889

- (c) This resolution shall constitute the declaration of the Town's "official intent" to reimburse expenditures authorized by Section 2 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2.
- (d) The proposed maturity of the bonds authorized by this resolution will not exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and the powers and duties relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if: such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

- (a) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (b) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "Long Island Business News." a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Town Supervisor Laura A. Gillen	voting _____
Councilwoman Dorothy L. Goosby	voting _____
Councilman Edward A. Ambrosino	voting _____
Councilman Bruce A. Blakeman	voting _____
Councilwoman Erin King Sweeney	voting _____
Councilman Anthony P. D'Esposito	voting _____

Councilman Dennis Dunne, Sr.

voting \_\_\_\_\_

The resolution was declared adopted.

AYES: \_\_\_\_\_ ( )

NAYS: \_\_\_\_\_ ( )

I, SYLVIA A. CABANA, Town Clerk of the Town of Hempstead, in the County of Nassau, State of New York (the "Town"), HEREBY CERTIFIES that this is a true, complete and correct copy of the original bond resolution duly adopted by the Town Board of the Town at a meeting thereof held on the date set forth herein, and at which a quorum was present and acting throughout.

(SEAL)

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Sylvia A. Cabana, Town Clerk  
Town of Hempstead

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Hempstead, Nassau County, New York, at a meeting held \_\_\_\_\_, 2019, duly adopted the resolution, a summary of which is published herewith, is not subject to a permissive referendum as provided in Article 7 of the Town Law of the State of New York and Local Finance Law Section 35(b)(4).

The Town Clerk of the Town of Hempstead, New York

BOND RESOLUTION OF THE TOWN OF HEMPSTEAD, NEW YORK, ADOPTED \_\_\_\_\_, 2019, AUTHORIZING THE PAYMENT OF A SETTLED CLAIM BY THE TOWN IN THE FOLLOWING MATTER: *JOSEPH GALEAS V. TOWN OF HEMPSTEAD, ET AL.* (INDEX NO. 15-007712, SUPREME COURT, NASSAU COUNTY), STATING THE ESTIMATED TOTAL COST THEREOF IS \$800,000.00, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE TOWN IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000.00 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is to pay a settled claim in the following matter: *Joseph Galeas v. Town of Hempstead, et al.* (Index No. 15-007712, Supreme Court, Nassau County).

The amount of obligations authorized to be issued is not to exceed \$800,000.00.

The period of probable usefulness applicable to the object or purpose for which said Bonds are authorized to be issued, within the limitations of Sections 11.00 a. 33. of the Law, is five (5) years; provided, however, that in the event the total amount of such judgment and any other similar claims, judgments or awards falling due and being paid in a single fiscal year shall exceed one per centum of the average assessed valuation of real property in the Town, the applicable period of probable usefulness shall be ten (10) years; and provided further that in the event such judgment and any other similar claims, judgments or awards falling due and being paid in a single fiscal year shall exceed two per centum of the average assessed valuation of real property in the Town, the applicable period of probable usefulness shall be fifteen (15) years. The proposed maturity of the bonds authorized by this resolution will not exceed five years.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the Office of the Clerk of the Town of Hempstead, at Town Hall, 1 Washington Street, Hempstead, New York.

Dated: \_\_\_\_\_, 2019  
Hempstead, New York

CASE NO:

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption as follows:

RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO EXECUTE AN AGREEMENT WITH LABOR EDUCATION AND COMMUNITY SERVICES AGENCY, INC.

WHEREAS, the Town currently provides an Employees Assistance program for its employees; and

WHEREAS, it is desired that this Employee Assistance Program be supplemented to provide greater assistance to Town of Hempstead employees; and

WHEREAS, Labor Education and Community Services Agency, Inc. has submitted a proposed contract to the Town of Hempstead Department of Human Resources outlining certain services to be provided to Town of Hempstead employees; and

WHEREAS, it is the recommendation of the Department of Human Resources and it is in the best interest of the Town that this agreement be accepted;

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Human Resources is hereby authorized to execute the agreement with Labor Education and Community Services Agency, Inc. 390 Rebro Drive, Hauppauge, New York to provide an employee assistance program for the period of March 1,2019 through June 30,2019 and that payment for such program be made to Labor Education and Community Services Agency, Inc. in the amount of \$17,332.52 to be paid in two ((2) installments of \$8,666.26 from undistributed General Fund, Fees and Services Account No. 010-012-9000-4151.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 31

Case # 27868

**LABOR EDUCATION & COMMUNITY SERVICE AGENCY, INC.**  
**EMPLOYEE ASSISTANCE PROGRAM**  
**390 Rabro Drive**  
**Hauppauge, New York 11788**  
**(631) 851-1295**  
**(631) 851-1299**

**SERVICE AGREEMENT**  
**BETWEEN:**

**LECSA**

**EMPLOYEE ASSISTANCE PROGRAM**

**AND**

**Town of Hempstead**

**March 1, 2019 – June 30, 2019**

## INTRODUCTION

The Labor Education & Community Services Agency, Inc. (LECSA) proposes to conduct an Employee Assistance Program for the **Town of Hempstead**. The staff at LECSA-EAP regards each employee who calls and/or walks through our doors as an individual, to be treated with respect and dignity.

### LECSA provides...

- Assessment and short-term counseling for employees and management as well as referrals to outside providers.
- Training for management on how to make referrals to the EAP program. This involves training in how to speak with employees to facilitate a productive exchange and prevent counterproductive behavior.

## LECSA'S OBLIGATION TO YOU

We will implement this contract on **March 1, 2019**. In the event that this contract is ever not renewed by the **Town of Hempstead** we will stand by you for 30 days to make sure your employees' treatment is never undermined.

We are not affiliated with any hospitals, insurance companies or treatment centers. This gives us the ability to manage our program independently. We will be available to the employees as well as their family members.

## DELIVERY OF SERVICE

At LECSA, a counselor takes on many roles:

- Providing evaluation, assessment and short term counseling to employees and their family members.
- Linking individuals with existing resources such as therapists, alcohol/other drug treatment programs, self-help groups, financial counseling agencies, and legal services.
- Providing referrals to Social Service agencies for those employees in immediate need.
- Providing guidance regarding how to approach an individual about his/her substance use and getting the individual into the proper treatment program.
- Education about appropriate behaviors to prevent problems from developing in the work environment.

Our counselors are available, if needed, 24 hours a day, seven days a week. Any time a call is not answered by our staff (after hours or on weekends) our live answering service will answer the call. In an emergency, the service is able to get in touch with one of our counselors who will return the call as soon as possible.

We provide a monthly mental health topic article which is sent to a contact person for distribution to the employees and to be posted conspicuously where employees can read it. The newsletter covers a variety of subjects and members are encouraged to call our office if they would like more information on the monthly subject matter.

### HOW TO GET HELP:

**Call our office directly.** Calling the EAP is a positive first step. Your courage and commitment will pay dividends in time. We can explore your options and decide how the EAP can help with issues in your personal life as well as on the job. Family members are also covered by the LECSA-EAP contract.

Whether an employee's needs can be met with just a few sessions or they will require long term treatment will be determined soon after the first call is placed. If an employee would like to come to our office, an appointment will be scheduled as soon as schedules permit. If it is determined at that time that resolution to the problem is possible in 2-3 sessions, the employee will continue to come to our offices. At times a direct referral to an outside provider may be preferable or clinically indicated. This is a decision that is made jointly by our trained staff and the employee.

Our clinicians are licensed social workers with specialty certifications in DOT, SAP requirements, experiential therapy, addictions, and employee assistance.

We will refer only to providers with whom we have established relationships and who participate in the employee's insurance plan. LECSA-EAP only works with providers who are licensed by the State of New York and will be chosen from our list of private practitioners, local mental health clinics, other licensed treatment programs as well as support groups. Before we refer an employee to any practitioner, LECSA has obtained the practitioner's credentials, specialties, training background and malpractice insurance verification. We determine their certifications/specialties, hours of operation and what insurances they accept. We closely monitor this list, edit it often and continually add new providers to it.

## **MANDATED/ADMINISTRATIVE REFERRALS**

If an employee is referred to LECSA-EAP as the result of a positive drug test special productive confrontational approaches are needed. In such cases our clinicians will make full use of their knowledge in the dynamics of substance use. In addition, we have qualified substance abuse professionals (SAP) on staff, as required by the D.O.T.

We also handle other kinds of administrative referrals due to problematic behavior in the workplace, excessive use of sick time, etc.

For DWI cases our assessment specialists are authorized by the NY State Office of Alcoholism and Substance Abuse Services (OASAS) to perform DMV evaluations and referrals.

### **CONFIDENTIALITY**

Your employees are guaranteed to receive confidential services. Our licensed clinical staff members strictly adhere to the Health Information Portability Privacy Act (HIPPA) guidelines, and Federal Confidentiality laws (CFR-42) We act in accordance with town and government regulations to ensure that the privacy of each individual is respected.

In order for LECSA to release any confidential information about one of our clients the identified individual must sign consent to release information form which authorizes us to share only the designated specific information with third parties. In cases of extreme emergency (suicidal, homicidal intent) and whenever child abuse is disclosed a signed consent is not required to notify the appropriate authorities.

### **CRISIS OR CATASTROPHE**

We have a track record in working in the aftermath of a crisis. When traumatic events occur we are there with the appropriate support necessary to help employees cope with catastrophic events. We can work with both individuals and entire work units to help resolve anger, fear, blame, shame and guilt. We understand what psychological responses to expect.

### **OUTREACH TO EMPLOYEES**

We will provide orientation for all employees to inform them about their EAP program benefits. We also recommend regular meetings with the Organization Coordinating Committee to assure that your program is running effectively. We will assist the Coordinating Committee with preparation of

written policies/procedures and the development of community resources.

## **REPORTS**

We will provide yearly statistical reports with complete confidentiality (i.e., no employee is identified). If requested, we will provide quarterly statistical reporting.

## **SECURITY**

LECSA will ensure that our personnel comply with all appropriate operational and lawful requirements.

All our employees shall possess for the term of this agreement the necessary qualifications, permits and licenses in order to perform the services required including malpractice and liability insurance.

**Please note: any combination of 5 of the following workshops are available under this contract.**

- **Employee Orientation**
- **Stress Management**
- **Anger Management**
- **Supervisory Training**
- **Sexual Harassment**

## **Summary of LECSA-EAP Services**

**Assessment / Evaluation**  
DOT, SAP Cases, DWI Cases

**Short-Term Treatment**

**Referrals for Long-Term Treatment**

**Chemical Dependency Intervention**

**Case Management Services**

**Social Service Information**

**Supervisory Help**

**Monthly Mental Health Topic Articles**

**Crisis Intervention**

**Orientations**

**Coordinating Committee Assistance**

**Workshops**

**Statistical Reports**

## **COST OF CONTRACT**

The contract will be in effect for four months and the cost for all services for all employees, full-time, part-time, and seasonal will be \$17,332.52.

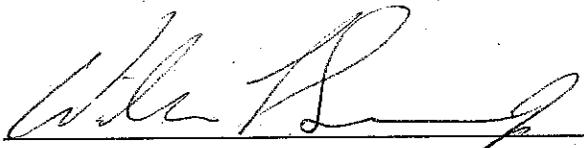
Payments shall be made in two (2) installments of \$ 8,666.26.  
Due April 1, 2019 & June 1, 2019

The four month fee covers all clinical services, referrals, management consultation, DOT mandated activities, training, workshops, and record keeping, out-reach materials and advice.

**INDEMNITY CLAUSE**

Lecsa shall defend, indemnify the Town, its agents, servants and employees from any and all damages or claims whatsoever, occasioned by or caused to any person, partnership, association or corporation, or occasioned by or caused to any property arising out of its performance pursuant to the terms of this agreement provided, however, that any liability arising out of or in connection with this agreement was not caused by or resulting from the negligence of the Town.

LECSA shall take and assume all responsibility for its actions taken pursuant to this Agreement and take all reasonable precautions for the prevention of injuries to persons and property; LECSA shall bear all losses and LECSA and its surety or insurance company shall assume the defense of and indemnify and save harmless the Town and its officers, employees and agents, from any and all claims for injuries or damages to any person, corporation or property, caused by, or in any way arising out of the performance by LECSA, its agents, servants or employees.



William F. Sammon Jr.  
Director of Human Resources

4/16/19  
Date

**LABOR EDUCATION & COMMUNITY SERVICES AGENCY, INC.**



Roger Clayman,  
Executive Director

3/10/2019

Date

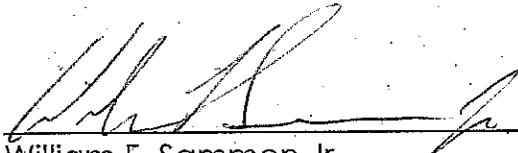
APPROVED AS TO FORM  
Charles O. Heine  
SENIOR DEPUTY TOWN ATTORNEY  
DATE \_\_\_\_\_

APPROVED  
[Signature] 4/10/19  
DIRECTOR OF PURCHASING

**INDEMNITY CLAUSE**

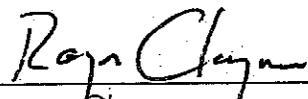
Lecsa shall defend, indemnify the Town, its agents, servants and employees from any and all damages or claims whatsoever, occasioned by or caused to any person, partnership, association or corporation, or occasioned by or caused to any property arising out of its performance pursuant to the terms of this agreement provided, however, that any liability arising out of or in connection with this agreement was not caused by or resulting from the negligence of the Town.

LECSA shall take and assume all responsibility for its actions taken pursuant to this Agreement and take all reasonable precautions for the prevention of injuries to persons and property; LECSA shall bear all losses and LECSA and its surety or insurance company shall assume the defense of and indemnify and save harmless the Town and its officers, employees and agents, from any and all claims for injuries or damages to any person, corporation or property, caused by, or in any way arising out of the performance by LECSA, it's agents, servants or employees.

  
\_\_\_\_\_  
William F. Sammon Jr.  
Director of Human Resources

4/16/19  
Date

**LABOR EDUCATION & COMMUNITY SERVICES AGENCY, INC.**

  
\_\_\_\_\_  
Roger Clayman  
Executive Director

3/10/2019  
Date

**INDEMNITY CLAUSE**

Lecsa shall defend, indemnify the Town, its agents, servants and employees from any and all damages or claims whatsoever, occasioned by or caused to any person, partnership, association or corporation, or occasioned by or caused to any property arising out of its performance pursuant to the terms of this agreement provided, however, that any liability arising out of or in connection with this agreement was not caused by or resulting from the negligence of the Town.

LECSA shall take and assume all responsibility for its actions taken pursuant to this Agreement and take all reasonable precautions for the prevention of injuries to persons and property; LECSA shall bear all losses and LECSA and its surety or insurance company shall assume the defense of and indemnify and save harmless the Town and its officers, employees and agents, from any and all claims for injuries or damages to any person, corporation or property, caused by, or in any way arising out of the performance by LECSA, its agents, servants or employees.

  
\_\_\_\_\_  
William F. Sammon Jr.  
Director of Human Resources

4/16/19  
Date

**LABOR EDUCATION & COMMUNITY SERVICES AGENCY, INC.**

  
\_\_\_\_\_  
Roger Clayman,  
Executive Director

3/10/2019  
Date

Resolution – Amending Resolution No. 36-2019 Re: Various offices, position & occupations in the Town Government of the Town of Hempstead

Item # 32

Case # 7

CASE NO. 30109

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 202 OF THE CODE OF THE TOWN OF HEMPSTEAD TO INCLUDE AND REPEAL "REGULATIONS & RESTRICTIONS" TO LIMIT PARKING AT VARIOUS LOCATIONS.

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, both as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law amending Chapter 202 of the Code of the Town of Hempstead entitled "REGULATIONS & RESTRICTIONS" to limit parking at various locations; and

WHEREAS, has introduced a proposed local law known as Intro. No. 22-2019, Print No. 1 to amend the said Chapter 202 of the Code of the Town of Hempstead to include and repeal "REGULATIONS & RESTRICTIONS" to limit parking at various locations; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 7, 2019 at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed enactment of a local law known as Intro. No. 22-2019, Print No. 1, to amend Chapter 202 of the Code of the Town of Hempstead to include and repeal "REGULATIONS & RESTRICTIONS" to limit parking at various locations; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

*Item # 33*  
*Case # 30109*



Town of Hempstead

A local law to amend Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "REGULATIONS AND RESTRICTIONS" to limit parking at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number eleven of two thousand nineteen is hereby amended by including therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

BELLMORE  
Section 202-15

ROYLE STREET (TH 122/19) South Side – NO PARKING MONDAY THROUGH SATURDAY – starting at a point 222 feet east of the east curbline of Bellmore Avenue east for a distance of 58 feet.

Section 2. Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine said Section last amended by local law number eleven of two thousand nineteen is hereby amended by repealing therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

BELLMORE  
Section 202-15

ROYLE STREET (TH 647/03) South Side – NO PARKING MONDAYS THRU SATURDAYS – starting at a point 154 feet east of the east curbline of Bellmore Avenue east for a distance of 120 feet. (Adopted 9/7/04)

SUNRISE AVENUE (TH 365/15) West Side – NO PARKING 8 AM TO 6 PM EXCEPT SUNDAYS AND HOLIDAYS – starting at a point 156 feet south of the south curbline of Merrick Road south for a distance of 107 feet. (Adopted 9/21/15)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 30110

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND SECTION 202-1 OF THE CODE OF THE TOWN OF HEMPSTEAD TO INCLUDE AND REPEAL "PARKING OR STANDING PROHIBITONS" AT VARIOUS LOCATIONS.

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, both as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law amending Section 202-1 of the Code of the Town of Hempstead entitled "PARKING OR STANDING PROHIBITONS" at various locations; and

WHEREAS, has introduced a proposed local law known as Intro. No. 23-2019, Print No. 1 to amend the said Section 202-1 of the Code of the Town of Hempstead to include and repeal "PARKING OR STANDING PROHIBITIONS" at various locations; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 7, 2019, at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed enactment of a local law known as Intro. No. 23-2019, Print No. 1, to amend Section 202-1 of the Code of the Town of Hempstead to include and repeal "PARKING OR STANDING PROHIBITIONS" at various locations; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

*Item# 34*  

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*Case# 30110*

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 7<sup>th</sup> day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 202-1 of the code of the Town of Hempstead to INCLUDE and REPEAL "PARKING OR STANDING PROHIBITIONS" at the following locations:

- BELLMORE                      SUNRISE AVENUE (TH 110/19) West Side -  
NO PARKING ANYTIME - starting at a  
point 151 feet south of the south  
curbline of Merrick Road south for a  
distance of 50 feet.
- ELMONT                         KIEFER AVENUE (TH 120/19) North Side -  
NO PARKING ANYTIME - starting at the  
east curbline of Benson Avenue east to  
the west curbline of Travis Avenue.
- LEVITTOWN                    SALEM LANE (TH 379/18) South Side - NO  
STOPPING ANYTIME - starting at the east  
curbline of Academy Lane east for a  
distance of 113 feet.
- SCHOOLHOUSE ROAD (TH 103/19) South Side  
- NO PARKING ANYTIME - starting at a  
point 226 feet west of the west  
curbline of Division Avenue west for a  
distance of 51 feet.
- SEAFORD                        HUDSON AVENUE (TH 105/19) South Side -  
NO STOPPING HERE TO CORNER - starting  
at the east curbline of Washington  
Avenue east for a distance of 30 feet.
- WASHINGTON AVENUE (TH 105/19) East Side  
- NO STOPPING HERE TO CORNER - starting  
at the south curbline of Hudson Avenue  
south for a distance of 30 feet.

ALSO, to REPEAL from Section 202-1 "PARKING OR STANDING PROHIBITIONS" from the following locations:

LEVITTOWN                      SALEM LANE (TH 379/18) South Side - NO  
PARKING ANYTIME - starting at the east  
curbline of Academy Lane east for a  
distance of 113 feet. (Adopted  
11/13/18)

ALL PERSONS INTERESTED shall have an opportunity to be  
heard on said proposal at the time and place aforesaid.

Dated: April 16, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

Town of Hempstead

A local law to amend Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "PARKING OR STANDING PROHIBITIONS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number twelve of two thousand nineteen is hereby amended by including therein "PARKING OR STANDING PROHIBITIONS" at the following locations:

BELLMORE SUNRISE AVENUE (TH 110/19) West Side – NO PARKING ANYTIME – starting at a point 151 feet south of the south curbline of Merrick Road south for a distance of 50 feet.

ELMONT KIEFER AVENUE (TH 120/19) North Side – NO PARKING ANYTIME – starting at the east curbline of Benson Avenue east to the west curbline of Travis Avenue.

LEVITTOWN SALEM LANE (TH 379/18) South Side – NO STOPPING ANYTIME – starting at the east curbline of Academy Lane east for a distance of 113 feet.

SCHOOLHOUSE ROAD (TH 103/19) South Side – NO PARKING ANYTIME – starting at a point 226 feet west of the west curbline of Division Avenue west for a distance of 51 feet.

SEAFORD HUDSON AVENUE (TH 105/19) South Side – NO STOPPING HERE TO CORNER – starting at the east curbline of Washington Avenue east for a distance of 30 feet.

WASHINGTON AVENUE (TH 105/19) East Side – NO STOPPING HERE TO CORNER – starting at the south curbline of Hudson Avenue south for a distance of 30 feet.

Section 2. Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number twelve of two thousand nineteen is hereby amended by repealing therein "PARKING OR STANDING PROHIBITIONS" at the following locations:

LEVITTOWN SALEM LANE (TH 379/18) South Side – NO PARKING ANYTIME – starting at the east curbline of Academy Lane east for a distance of 113 feet. (Adopted 11/13/18)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 30111

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND SECTION 197-5 OF THE CODE OF THE TOWN OF HEMPSTEAD TO INCLUDE "ARTERIAL STOPS" AT VARIOUS LOCATIONS.

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, both as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law amending Section 197-5 of the Code of the Town of Hempstead entitled "ARTERIAL STOPS" at various locations; and

WHEREAS, has introduced a proposed local law known as Intro. No. 24-2019, Print No. 1 to amend the said Section 197-5 of the Code of the Town of Hempstead to include "ARTERIAL STOPS" at various locations; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 7, 2019, at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed enactment of a local law known as Intro. No. 24-2019, Print No. 1, to amend Section 197-5 of the Code of the Town of Hempstead to include "ARTERIAL STOPS" at various locations; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item# 35  
Case# 30111

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 7<sup>th</sup> day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 197-5 of the code of the Town of Hempstead to INCLUDE "ARTERIAL STOPS" at the following locations:

LEVITTOWN	BUCKET LANE (TH 92/19) STOP - all traffic traveling eastbound on Sycamore Lane shall come to a full stop.
NORTH BELLMORE	BELLMORE AVENUE (TH 107/19) STOP - all traffic traveling eastbound on Hamilton Road shall come to a full stop.
WANTAGH	SILVERTON AVENUE (TH 93/19) STOP - all traffic traveling northbound on Briard Street shall come to a full stop.
	SILVERTON AVENUE (TH 93/19) STOP - all traffic traveling southbound on Briard Street shall come to a full stop.
	TUSK LANE (TH 101/19) STOP - all traffic traveling eastbound on Spring Lane shall come to a full stop.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 16, 2019  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

Town of Hempstead

A local law to amend Section one hundred ninety seven dash five of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include "ARTERIAL STOPS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section one hundred ninety seven dash five of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number thirteen of two thousand nineteen is hereby amended by including therein "ARTERIAL STOPS" at the following locations:

LEVITTOWN BUCKET LANE (TH 92/19) STOP – all traffic traveling eastbound on Sycamore Lane shall come to a full stop.

NORTH BELLMORE BELLMORE AVENUE (TH 107/19) STOP – all traffic traveling eastbound on Hamilton Road shall come to a full stop.

WANTAGH SILVERTON AVENUE (TH 93/19) STOP – all traffic traveling northbound on Briard Street shall come to a full stop.

SILVERTON AVENUE (TH 93/19) STOP – all traffic traveling southbound on Briard Street shall come to a full stop.

TUSK LANE (TH 101/19) STOP – all traffic traveling eastbound on Spring Lane shall come to a full stop.

Section 2. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution  
and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING FOR  
THE PURPOSE OF ESTABLISHING AND SETTING  
ASIDE CERTAIN PARKING SPACES FOR MOTOR  
VEHICLES FOR THE SOLE USE OF HOLDERS OF  
SPECIAL PARKING PERMITS ISSUED BY THE  
COUNTY OF NASSAU TO PHYSICALLY  
HANDICAPPED PERSONS.

WHEREAS, pursuant to Section 202-48 of the Code of  
the Town of Hempstead, the Town Board may, from time to  
time, hold public hearings to establish and set aside  
public places, streets or portions of streets within the  
Town as parking spaces for the sole and exclusive use of  
holders of valid special parking permits issued by the  
County of Nassau to physically handicapped persons;

NOW, THEREFORE BE IT

RESOLVED, that a public hearing be held in the Town  
Meeting Pavilion, Hempstead Town Hall, Washington Street,  
Hempstead, New York, on the 7th day of May , 2019, at  
10:30 o'clock in the forenoon of that day, at which time  
all persons interested shall be heard on the establishment  
and setting aside of certain parking spaces for motor  
vehicles for the sole use of holders of special parking  
permits issued by the County of Nassau to physically  
handicapped persons at the following locations:

ELMONT

TRAVIS AVENUE - east side, starting  
at a point 74 feet south of the south  
curbline of Surprise Street, south for a  
distance of 20 feet.  
(TH-115/19)

HOFFMAN AVENUE - north side, starting  
at a point 285 feet west of the west  
curbline of Fourth Street, west for  
a distance of 20 feet  
(TH-052/19)

HILLSBORO AVENUE - east side, starting  
at a point 235 feet south of the south  
curbline of Hempstead Turnpike, south  
for a distance of 20 feet.  
(TH-084/19)

Item #

36

Case #

21527

LEVITTOWN

ANDREW LANE - east side, starting at a point 397 feet west then south of the west curbline of Schoolhouse Road, south for a distance of 20 feet. (TH-070/19)

VALLEY STREAM

FENWOOD DRIVE - east side, starting at a point 40 feet south of the south curbline of Shipley Avenue, south for a distance of 20 feet. (TH-069/19)

WANTAGH

RIVERSIDE DRIVE - west side, starting at a point 542 feet west, then north of a point opposite the west curbline of Mandalay Beach Road, north for a distance of 20 feet. (TH-119/19)

and on the repeal of the following locations previously set aside as parking spaces for physically handicapped person:

EAST ATLANTIC BEACH

BAY STREET - north side, starting at a point 128 feet west of a point opposite the southwest curbline of Buffalo Avenue, west for a distance of 18 feet. (259/10 - 10/05/10) (064/19)

ELMONT

HOFFMAN AVENUE - north side, starting at a point 285 feet west of the west curbline of Fourth Street, west for a distance of 20 feet. (TH-033/15 - 4/28/28/15) (TH-052/19)

FRANKLIN SQUARE

THEODORA STREET - north side, starting at a point 180 feet east of the east curbline of Randolph Avenue, east for a distance of 20 feet. (TH-283/11 - 11/22/11) (TH-079/19)

; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof once in a newspaper having a general circulation in the Town of Hempstead, once at least ten days prior to the above-specified date of said hearing.

The foregoing resolution was seconded by  
and adopted upon roll call as follows:

AYES:

NOES:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Section 202-48 of the code of the Town of Hempstead entitled, "Handicapped Parking On Public Streets," a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 7th day of May , 2019, at 10:30 o'clock in the forenoon of that day, to consider the adoption of a resolution setting aside certain parking spaces for motor vehicles for the sole use of holders of special parking permits issued by the County of Nassau to physically handicapped persons at the following locations:

ELMONT

TRAVIS AVENUE - east side, starting at a point 74 feet south of the south curblineline of Surprise Street, south for a distance of 20 feet.  
(TH-115/19)

HOFFMAN AVENUE - north side, starting at a point 285 feet west of the west curblineline of Fourth Street, west for a distance of 20 feet  
(TH-052/19)

HILLSBORO AVENUE - east side, starting at a point 235 feet south of the south curblineline of Hempstead Turnpike, south for a distance of 20 feet.  
(TH-084/19)

LEVITTOWN

ANDREW LANE - east side, starting at a point 397 feet west then south of the west curblineline of Schoolhouse Road, south for a distance of 20 feet.  
(TH-070/19)

VALLEY STREAM

FENWOOD DRIVE - east side, starting at a point 40 feet south of the south curblineline of Shipley Avenue, south for a distance of 20 feet.  
(TH-069/19)

WANTAGH

RIVERSIDE DRIVE - west side, starting at a point 542 feet west, then north of a point opposite the west curblines of Mandalay Beach Road, north for a distance of 20 feet.

(TH-119/19)

and on the repeal of the following locations previously set aside as parking spaces for physically handicapped person:

EAST ATLANTIC BEACH

BAY STREET - north side, starting at a point 128 feet west of a point opposite the southwest curblines of Buffalo Avenue, west for a distance of 18 feet.

(259/10 - 10/05/10) (064/19)

ELMONT

HOFFMAN AVENUE - north side, starting at a point 285 feet west of the west curblines of Fourth Street, west for a distance of 20 feet.

(TH-033/15 - 4/28/28/15) (TH-052/19)

FRANKLIN SQUARE

THEODORA STREET - north side, starting at a point 180 feet east of the east curblines of Randolph Avenue, east for a distance of 20 feet.

(TH-283/11 - 11/22/11) (TH-079/19)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: Hempstead, New York  
April 16, 2019

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION CALLING A PUBLIC HEARING FOR MAY 7, 2019 TO CONSIDER THE ADOPTION OF THE TOWN OF HEMPSTEAD'S 2019 CAPITAL PLAN AND THE 2019 TO 2023 MULTI-YEAR CAPITAL IMPROVEMENT PLAN.**

**WHEREAS**, the Town Supervisor, in consultation with the Comptroller and Commissioner's, has prepared the Town of Hempstead's proposed 2019 Capital Plan and the 2019-2023 Multi-Year Capital Improvement Plan for the General Fund, the Town Outside Village Fund and the Town-Operated Special Districts; and

**WHEREAS**, the Town Board desires to schedule a public hearing to consider the adoption of the proposed 2019 Capital Plan and the 2019-2023 Multi-Year Capital Improvement Plan.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing shall be held in the Nathan L. H. Bennett Pavilion, Hempstead Town Hall, Town Hall Plaza, 1 Washington Street, Village and Town of Hempstead, New York, on Tuesday, the 7<sup>th</sup> day of May, 2019, at 10:30 o'clock in the forenoon of that day at which time all interested persons shall be heard regarding the adoption of the proposed 2019 Capital Plan and the 2019-2023 Multi-Year Capital Improvement Plan; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of such hearing, which notice shall be in substantially the following form:

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

37

Case #

29920



CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON THE CREATION OF A NEW CHAPTER XLIII OF THE BUILDING ZONE ORDINANCE OF THE TOWN OF HEMPSTEAD, TO BE ENTITLED "TRANSIT ORIENTED DEVELOPMENT AND RELATED DISTRICTS FOR NORTH LAWRENCE AND INWOOD"

WHEREAS, the Town Board of the Town of Hempstead is empowered to amend the Building Zone Ordinance of the Town of Hempstead pursuant to Article 16 of the Town Law of the State of New York and Article XXVI of the Building Zone Ordinance of the Town of Hempstead, as amended; and

WHEREAS, it is in the public interest to consider the creation of a new Chapter XLIII of the Building Zone Ordinance of the Town of Hempstead, to be entitled "Transit Oriented Development and Related Districts for North Lawrence and Inwood";

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street Village and Town of Hempstead, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of that day to consider the creation of a new Chapter XLIII of the Building Zone Ordinance of the Town of Hempstead, to be entitled "Transit Oriented Development and Related Districts for North Lawrence and Inwood" and to read as follows:

Article XLIII. Transit Oriented Development and Related Districts for North Lawrence and Inwood.

**§ 432. Transit Oriented Development (TOD) District for North Lawrence and Inwood.**

A. Legislative intent.

It is in the public interest for the Town to utilize its zoning authority to establish a Transit Oriented Development (TOD) District, in order to meet the demand for a housing prototype for residents, located in close proximity to mass transportation such as the Long Island Rail Road (LIRR) train stations, and to create and sustain a vibrant, attractive and economically flourishing hamlet area. Having transit oriented development within walking distance of the Lawrence and Inwood LIRR train stations, with appropriate design elements, will achieve multiple goals: encourage walking and bicycling; increase transit ridership; emphasize mixed- use, pedestrian oriented development; reduce potential automobile dependency associated with new land uses by locating multiple destinations within close proximity, and support a larger commercial tax base for North Lawrence and Inwood. The Town recognizes the benefits of development that is consistent with smart growth principles, which encourages a mix of building types and uses, diverse housing and transportation options, walkable neighborhoods, development within existing neighborhoods and community engagement.

The creation of the TOD District integrates concepts of green building and sustainable site development. It demonstrates the Town's commitment to minimize the potential negative impacts construction has on the environment and to promote the benefits that green building and sustainable development have on the public health and welfare. Green building and sustainable site development brings together a vast array of innovative design practices, techniques and skills and emphasizes an improved quality of life for residents, employers and visitors.

The Town finds that an environment which includes a mixture of commercial and residential uses in close proximity to a train station will encourage greater patronage of local businesses in the hamlet areas and contribute to the proper development of the TOD areas. The quality of the built environment and its relationship to the natural landscape are key indicators of quality of life. The objective of having design guidelines for the TOD District is to provide high quality and complementary design of buildings, landscaping, parking and other site design characteristics. The Town will be able to ensure that mixed-use development implemented under this Code will be built in a manner that is aesthetically pleasing and protects or improves upon the character of the area.

Applicants proposing development in the TOD District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town-appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

#### B. Definitions.

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

##### **AREA MEDIAN INCOME (AMI)**

The household income for the median household in the Nassau-Suffolk County metropolitan area. Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD focuses on the region, rather than just the city, because families searching for housing are likely to look beyond the city itself to find a place to live.

##### **BIO-SWALES / RAIN GARDEN**

A bio-swale is linear, sloped, depressed landscaped elements designed to collect and slow the flow of rainwater after it falls (at which point it becomes stormwater). This allows Stormwater to leach into the ground rather than flowing above-ground, reducing the Stormwater quantity, speed, and pollutant concentration. They consist of a linear drainage course with gently sloped sides and filled with vegetation. A rain garden is a designed depression storage or a planted hole that receives stormwater runoff, rather than storage and providing conveyance as a bioswale does. The primary purpose of a rain garden is to improve water quality and to ensure that rainwater becomes available for plants as groundwater.

##### **CARSHARING PROGRAM**

A vehicle rental model where multiple parties rent the same cars for short periods of time, often by the hour. Shared cars are parked, accessed, and returned to designated parking spaces within a multi-family residential development. They are available to all legal residents of the development where the cars are located. The property owner sets up an agreement with a carsharing operator and typically schedules car rental and payment using a mobile application or website. Carsharing is promoted as an alternative to owning a car. Carsharing is most viable if public transit, walking, or bicycling can serve most needs, making a separate car necessary only for infrequent use, e.g. out-of-town trips, moving large items, or special occasions. Carsharing facilities reduce vehicle ownership and minimize peak parking demand because the same vehicle can serve different residents at different times.

##### **DWELLING UNIT**

A building or portion thereof designed for occupancy by one family only, containing a single kitchen, in which members of a family all live and cook together as a single housekeeping unit. Such a building shall not contain separate or segregated internal partitions or locked internal doors barring access between portions of the dwelling, including bedrooms.

##### **DESIGN REVIEW COMMITTEE (DRC)**

Comprised of three (3) to five (5) Town designated representatives, chaired by the Building Department Commissioner, selected to provide an initial review of the architecture and site design of a proposed development, and make an advisory recommendation to the Building Department stating whether a filed submission should be eligible for exemption from Section 305 procedures.

##### **FAIR MARKET RENT (FMR)**

Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the HOME rental assistance program.

#### **HEIGHT**

The vertical distance measured from the mean level of the established center-line grade ("crown of road") of the street adjacent to the building plot to the highest point of the roof deck in the case of flat roofs and to the mean level between the eaves and the highest point of the roof in the case of sloped roofs. Each side of the building shall meet this requirement separately. Roof-mounted solar panels are excluded from the definition of height.

#### **HOUSEHOLD**

The person who seeks to rent a workforce housing unit, together with any other individual who resides (for more than 30 days per year) in the workforce housing unit, including without limitation, parents, children, siblings, spouses and persons united in a legally recognized civil union.

#### **MULTIPLE-FAMILY DWELLING UNIT**

A building containing two (2) or more dwelling units.

#### **PARKING MANAGEMENT PLAN**

A plan designed to manage the use of parking on a property. Proposed parking management tools may include the use of valet parking, designation of car sharing or guest spaces, shared parking agreements between proximate uses, short-term parking limits adjacent to high-turnover land uses, transit subsidies for employees or residents, enforcement, the use of mobile applications for parking payment, wayfinding signage to identify parking areas, or other tools to achieve parking efficiency.

#### **ROOFTOP TERRACE**

A flat roof area used for public social activities, which may also contain gardens and open space.

#### **SHARED PARKING**

A tool through which adjacent land uses share their parking areas for part or all of the week, and thereby reduce the number of parking spaces that each land use would need to provide on their individual lots. If adjacent land uses have different parking demand patterns (offset peak hours), the parking space can serve the different land uses at different times. The TOD District permits Shared Parking, subject to the applicant providing a parking analysis of the combined peak parking demand.

#### **WORKFORCE HOUSING UNIT (WHU)**

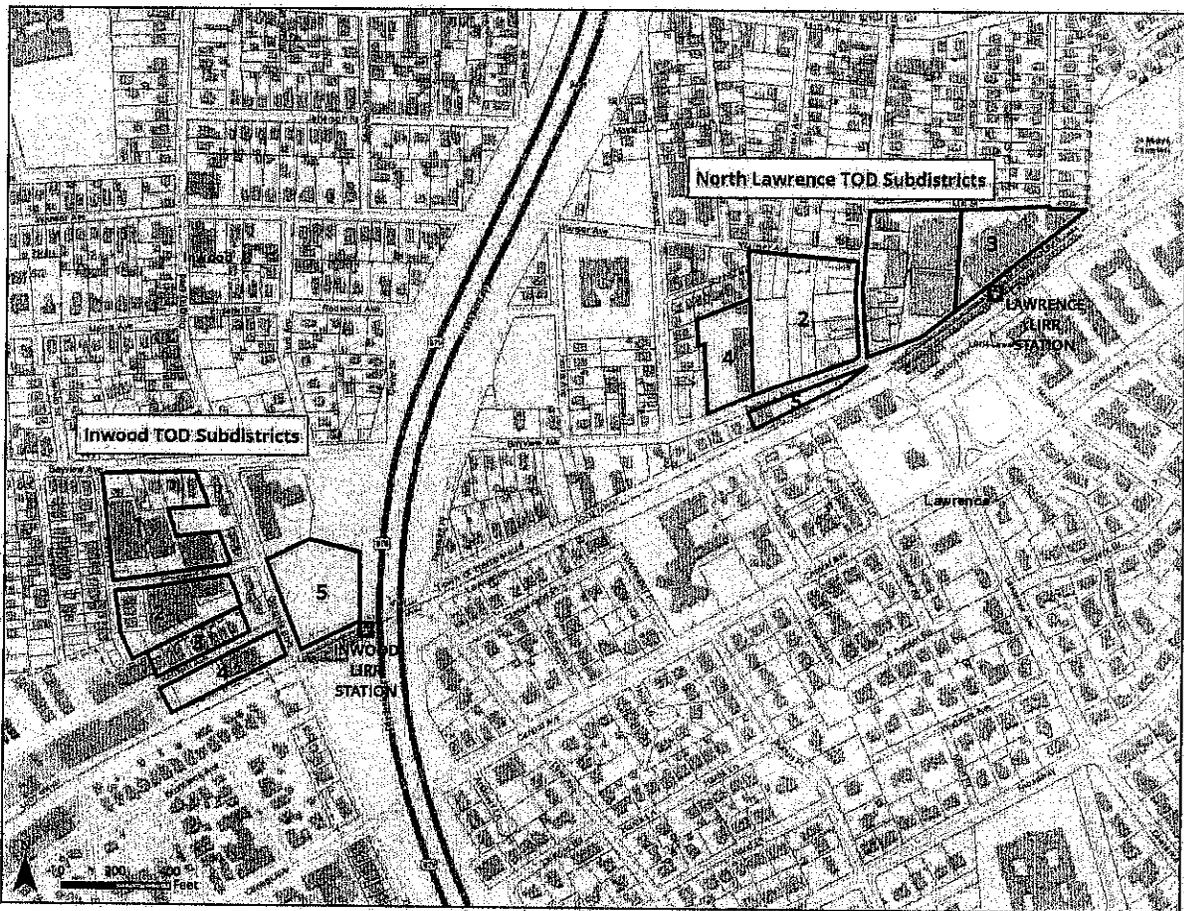
A residential unit that is mandated to be constructed under the provisions of this article and to be rented or sold to an eligible individual pursuant to the standards set forth in this article.

#### **C. Applicability.**

In a TOD District, the following regulations shall apply.

- (1) For purposes of this article, the TOD District shall be divided into ten subdistricts, with five (5) in North Lawrence and five (5) in Inwood, as indicated on Figure 1 of this article and described below:
  - (a) North Lawrence-1, which includes the east side of Lawrence Avenue, between the LIRR and Mill Street, and the parcels of land situated within the area bounded by the LIRR and Mill Street, extending approximately 330 feet east of Lawrence Avenue.
  - (b) North Lawrence-2, which includes the west side of Lawrence Avenue, between Bayview Avenue and Wanser Avenue, and the parcels of land situated within the area bounded by Bayview Avenue and Wanser Avenue, extending approximately 400 feet west of Lawrence Avenue.
  - (c) North Lawrence-3, which includes the triangular shaped piece of land located just east of the North Lawrence-1 subdistrict, bounded by Mill Street to the north and the LIRR to the south.
  - (d) North Lawrence-4, which includes the 1.5-acre parcel located just west of the North Lawrence-2 subdistrict, bounded by Bayview Avenue to the south.

- (e) North Lawrence-5, which includes the south side of Bayview Avenue, extending approximately 770 feet west of Lawrence Avenue.
- (f) Inwood-1, which includes land having frontage on the north side of Prospect Street, the east side of Alvin Place, or the south side of Bayview Avenue, excluding the northwest corner of Doughty Boulevard and Prospect Street and the southwest corner of Doughty Boulevard and Bayview Avenue.
- (g) Inwood-2, which includes land having frontage on the south side of Prospect Street or the east side of Alvin Place, excluding any parcel having frontage on Doughty Boulevard.
- (h) Inwood-3, which includes land on the north side of Redfern Avenue, between Doughty Boulevard and the Nassau County boundary, excluding the northwest corner of Doughty Boulevard and Redfern Avenue.
- (i) Inwood-4, which includes land on the south side of Redfern Avenue, between Doughty Boulevard and the Nassau County boundary.
- (j) Inwood-5, which includes land on the north side of the LIRR, and bounded by Doughty Boulevard to the west and the Nassau Expressway to the east, and extending approximately 350 feet to the north.



**Figure 1: TOD Subdistrict Locations**

(Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)

**D. Uses.**

- (1) (Applies to: North Lawrence-1, North Lawrence-2, Inwood-4 and Inwood-5) A building or structure may be erected, altered, or used and a lot or premises may be used for any of the following purposes, and for no other:
  - (a) Permitted uses:
    - [1] Multiple-family dwellings are permitted above the ground level, as well as on the ground level outside of areas shown on Figure 2 as designated ground level commercial space.
    - [2] Indoor recreation and outdoor passive space and other amenities servicing the multiple-family development.

[3] *(Applies to: North Lawrence-1)* The following uses are permitted on the ground level only, when having frontage on Lawrence Avenue, Mill Street, or the LIRR, in areas shown on Figure 2 as designated ground level commercial space. At least 80% of the aforementioned ground level floor area shall be dedicated to one or more of the commercial uses as defined below as permitted uses.

*(Applies to: North Lawrence-2)* The following uses are permitted on the ground level only, when having frontage on Lawrence Avenue, Wanser Avenue, or Bayview Avenue, in areas shown on Figure 2 as designated ground level commercial space. At least 80% of the aforementioned ground level floor area shall be dedicated to one or more of the commercial uses as defined below as permitted uses.

*(Applies to: Inwood-4 and Inwood-5)* The following uses are permitted on the ground level only, when having frontage on Doughty Boulevard or Redfern Avenue. A maximum of 5,000 square feet shall be dedicated to one or more of the commercial uses in each subdistrict, as defined below as permitted uses.

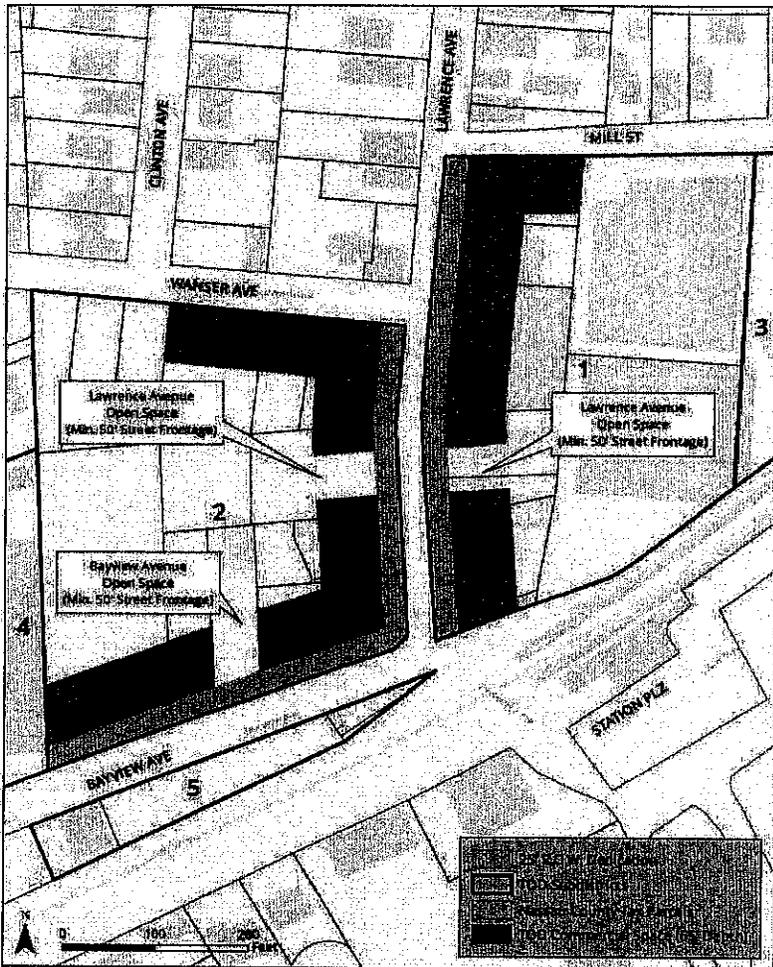
- (a) Stores for the sale, at retail, of articles to be used or consumed off the premises.
- (b) Personal service shops such as barbershops and beauty parlors.
- (c) Offices (including shared workspace), banks, financial institutions.
- (d) Museums, art galleries.
- (e) Libraries.
- (f) Health clubs.
- (g) Restaurants (including café, deli and bar/tavern).
- (h) Community centers.

*(Applies to: Inwood-5)* The following use is permitted and required to be a part of any development plan for the Inwood-5 subdistrict:

- (i) Parking lot to be used by train commuters who are Town of Hempstead residents. All development shall include no less than 125 on-site parking spaces to be dedicated for Town of Hempstead residents who are patronizing the LIRR. In addition, a separate on-site area shall be dedicated for use as a drop-off/pick-up area for users of the LIRR who are being dropped off by another person, including by taxi, uber or lyft. The costs of the parking area and associated improvements are the responsibility of the developer.

[4] Uses not listed above that are similar in character, scale, and impact to the uses listed above may be allowed if granted special permit by the Town Board, based upon consistency with the regulations and intent of this article.

The second overlay district being established is the Residential Townhouse/Rowhouse (TR) Overlay District. This overlay district applies to approximately 42.1 acres of parcels that have existing residential zoning, with a majority of the eligible parcels located west of Lawrence Avenue, south of Pearl Street, east of the Nassau Expressway and north of the Town boundary, as well as on Wanser Avenue, between Lord Avenue and the Nassau Expressway. The primary intent of this overlay district is to provide the opportunity to offer a variety of housing types within existing neighborhoods that follow smart growth principles and implement planning and design guidelines for the redevelopment of the eligible parcels in the area in order to support a vibrant and sustainable residential community.



**Figure 2: Commercial Space and R.O.W. Dedication in North Lawrence-1 and North Lawrence-2 Subdistricts**

**(Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)**

- (b) Special permit uses. The following special uses, when approved by the Town Board, as applicable, are permitted:
  - [1] Food Grocery Store, Food Specialty Store or Pharmacy (over 10,000 square feet of gross floor space).
- (c) Prohibited uses:
  - [1] All uses not expressly permitted are prohibited.
  - [2] Drive-through facilities.
- (2) *(Applies to: North Lawrence-3, North Lawrence-4, Inwood-1, Inwood-2 and Inwood-3)* A building or structure may be erected, altered, or used and a lot or premises may be used for any of the following purposes, and for no other:
  - (a) Permitted uses:
    - [1] Multiple-family dwellings.
    - [2] Indoor recreation, outdoor passive space, and other amenities servicing the multiple-family development.
  - (b) Prohibited uses:
    - [1] All uses not expressly permitted are prohibited.
- (3) *(Applies to: North Lawrence-5)* A building or structure may be erected, altered, or used and a lot or premises may be used for any of the following purposes, and for no other:
  - (a) Permitted uses:
    - [1] Stores for the sale, at retail, of articles to be used or consumed off the premises.
    - [2] Personal service shops such as barbershops and beauty parlors.

- [3] Offices (including shared workspace), banks, financial institutions.
- [4] Museums, art galleries.
- [5] Libraries.
- [6] Health clubs.
- [7] Restaurants (including café, deli and bar/tavern).
- [8] Community centers.
- [9] Parking fields, either public or private, for the parking of passenger vehicles only, but not for display or sale of automobiles.
- [10] Uses not listed above that are similar in character, scale, and impact to the uses listed above may be allowed if granted special permit by the Town Board, based upon consistency with the regulations and intent of this article.

(b) Prohibited uses:

- [1] All uses not expressly permitted are prohibited.

E. Population density.

No multiple-family dwelling shall be erected or altered to accommodate or make provision for more than 60 households per acre.

F. Height.

No building shall be greater than 5 stories or 60 feet in height. "Height" shall be defined as applicable to the TOD District (TOD).

G. Building area.

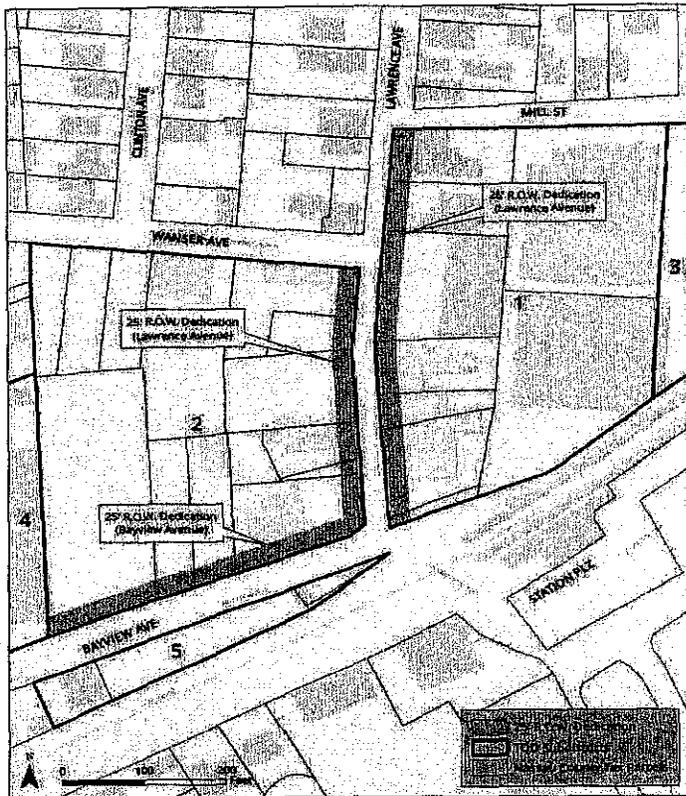
The building area shall not exceed 40% of the lot area, exclusive of all landscaped areas and landscaped courtyards, whether or not constructed above parking areas.

H. Dwelling unit size.

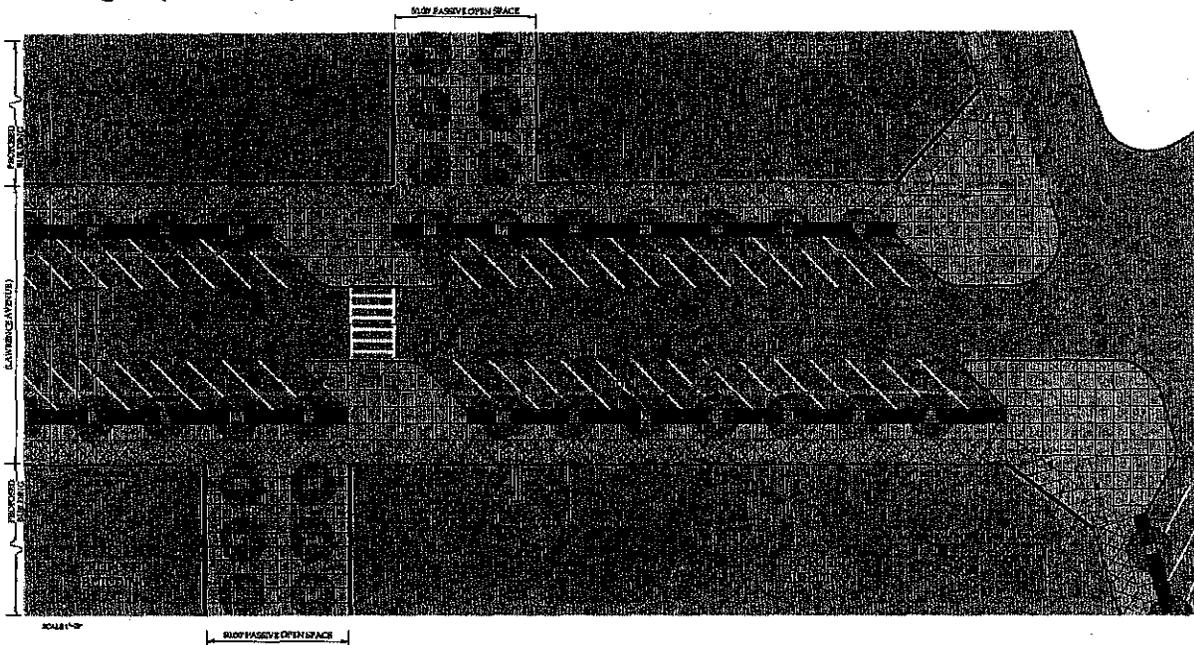
The minimum dwelling unit size shall be as follows: Studio Apartment – 550 square feet.

I. Right-of-way dedication.

*(Applies to: North Lawrence-1 and North Lawrence-2)* All development projects with frontage facing Lawrence Avenue and Bayview Avenue shall dedicate a continuous 25-foot-wide section of land adjacent to Lawrence Avenue and Bayview Avenue. Allowed density shall be determined by the gross acreage of the property, which includes the area being dedicated.



**Figure 3: Required 25' R.O.W. Dedication along Lawrence Avenue**  
 (Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)



**Figure 4: Plan View of Lawrence Avenue R.O.W. Dedication and Potential Streetscape Design**  
 (Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)

**J. Front yards.**

The front building lot line shall be 0 feet, except for pedestrian plaza areas. For buildings having residential units on the ground level, the front yard setback shall be a minimum of 8 feet and a maximum of 12 feet.

*(Applies to: North Lawrence-5)* There shall be a front yard setback of at least 5 feet.

**K. Side yards.**

*(Applies to: North Lawrence-1 and North Lawrence-2)* There shall be no required side yard setback.

*(Applies to: North Lawrence-3, North Lawrence-4, Inwood-1, Inwood-2, Inwood-3 and Inwood-4)* There shall be no required side yard setback, except when adjacent to a residentially zoned

area, where there shall be a side yard setback of at least 25 feet. When not adjacent to a street, there shall also be a landscaped buffer strip of not less than 10 feet in width.

*(Applies to: North Lawrence-5)* There shall be a side yard setback of at least 5 feet.

L. Rear yards.

*(Applies to: North Lawrence-1 and North Lawrence-2)* There shall be a rear yard, the depth of which shall be at least 15 feet.

*(Applies to: North Lawrence-3, North Lawrence-4, Inwood-1, Inwood-2, Inwood-3 and Inwood-4)* There shall be a rear yard setback of at least 25 feet, which also includes a landscaped buffer strip of not less than 10 feet in width.

*(Applies to: North Lawrence-5)* There shall be a rear yard setback of at least 5 feet.

M. Curb cuts.

No curb cuts shall be permitted on Lawrence Avenue, unless recommended by the Design Review Committee.

N. Open space.

The inclusion of open space is an extension of the streetscape improvements included as part of a Transit Oriented Development project as a means of providing accessible space for the public while walking to and from the train station and while shopping and visiting. The open space serves as a civic space to be used by residents as well as visitors. It acts as a welcoming amenity situated within a walkable mixed-use hamlet center.

- (1) A passive open space shall have a street frontage of 50 feet and a minimum depth of 75 feet. For parcels having frontage along Lawrence Avenue, the open space shall be provided with public access to that street.
- (2) Rooftop terraces shall be permitted, to be used as another means of providing open space for the exclusive use of residents living in the building. For every one (1) square foot of dedicated terrace space for active use by the residents, there shall be an equal or greater amount of "green" surface planted with 100% live vegetation, which can be used as a method for capturing and using rainwater to reduce runoff and irrigation. A credit for stormwater volume shall be applied as determined by the Town Engineering Department.

O. Minimum lot area and street frontage.

*(Applies to: North Lawrence-1)* No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 3.0 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full site plan development of a parcel or assemblage of parcels within the subdistrict. Development of less than 3.0 acres may be allowed by petition to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

*(Applies to: North Lawrence-2)* No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 4.0 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 4.0 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

*(Applies to: Inwood-1)* No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 2.5 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 2.5 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

*(Applies to: North Lawrence-3 and Inwood-5)* No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 2.0 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 2.0 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

*(Applies to: North Lawrence-4 and Inwood-2)* No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 1.5 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 1.5 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

*(Applies to: North Lawrence-5 and Inwood-4)* No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 1.0 acre and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 1.0 acre may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

*(Applies to: Inwood-3)* No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 0.75 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 0.75 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

#### P. Parking.

Transit oriented development (TOD) with mixed uses has the unique advantage of creating an environment where there can be less reliance on driving for daily activities. More emphasis can be placed upon walking when housing and complementary uses are located in close proximity to transit. A reduced reliance on private vehicles requires less off-street parking. Further, having adjacent uses that have peak parking at different times of the day or week allows for shared parking between these adjacent uses, whereby a single parking space serves different uses at different times. This reduces the number of parking spaces relative to providing each land use's parking on individual lots. Transit oriented development can reduce the rate of automobile ownership compared to standalone uses further from transit. A key provision to incentivizing reduced car ownership is a carsharing program. The Town hopes that residents of the new transit oriented uses will benefit greatly from transportation incentive programs that TOD facilitates. These programs contribute to the overall reduction of vehicle travel and help to promote a healthier lifestyle.

- (1) In the case of a multiple-family dwelling, there shall be provided on the premises parking (which can include below-grade garage facilities) adequate to accommodate the following requirements: Studio Apartment – 0.5 spaces per unit; 1-bedroom Apartment – 1 space per unit; and 2-bedroom Apartment – 1.5 spaces per unit. Parking can be provided either at grade or subsurface. If the total number of studio apartment units is greater than 10 percent of the total unit count for the project, the parking requirement for a studio apartment shall be 1 space per unit.

- (a) Tandem parking may be permissible with a covenant demonstrating that a 24-hour parking attendant will be provided on site.

- (2) In the case of non-residential uses, there shall be provided on the premises parking or below-grade garage facilities adequate to accommodate 1 space for each 500 square feet of gross floor area. Restaurants shall accommodate 1 space for each 4 seats, plus 1 space for each 4 employees. Parking may incorporate shared parking spaces located within 500 feet of each individual building. The DRC will consider reduced parking ratios subject to the submittal of a parking analysis prepared by a transportation engineer. Individual uses may consider the use of valet parking as part of their parking plan.

- (a) Valet parking must be provided at no additional fee to visitors of non-residential uses. If valet parking is to be provided, a valet parking plan shall be submitted to the Town.

- (3) One level of above-grade structured parking shall be permitted if subsurface parking and surface parking is to be constructed with an optimal utilization demonstrated as part of the site plan and parking management plan presented to the Design Review Committee.

The one level of above grade parking shall comply with the following provisions:

*(Applies to: Inwood-5)* Above-grade structured parking shall be permitted up to three (3) levels with an optimal utilization demonstrated as part of the site plan and parking management plan presented to the Design Review Committee. The following provisions do not apply to above-ground structures constructed in the Inwood-5 subdistrict.

- (a) For development parcels over 4 acres, an above-grade parking structure shall have lot coverage up to 15%; for parcels between 3-4 acres, an above-grade parking structure shall have lot coverage up to 20%; and for parcels less than 3 acres, an above-grade parking structure shall have lot coverage up to 25% lot coverage.
- (b) The location of an above-grade parking structure shall be located on the interior side of a building and not be visible from the street which the building fronts including all streets if a corner parcel.
- (c) An above-grade parking structure shall be setback a minimum of 20 feet from any adjoining residential zoned property and a minimum of 10 feet from all other side and rear property lines. The minimum setback area shall be landscaped with a double row of evergreen trees planted at a minimum height of eight (8) feet.
- (d) The location of an above-grade parking structure shall not visibly mask sight lines or block accessibility to ground level retail uses located on the interior side of buildings.
- (e) Any above-grade parking structure exceeding the specified coverage and/or not complying with the specified provisions would be subject to a special exception being granted by the Town Board.
- (4) Parking spaces shall be 9'x18' with 24' drive aisles for two-way traffic flow. Spaces designated for residents only can be 8½'x18'. Parking spaces may be 16½' long if the front of the stall has 18" overhang. Sidewalk shall not be included in overhang space unless the sidewalk is at least 5½' wide (i.e. 4' wide in addition to the 18" overhang).
- (5) Up to 85 percent of tandem or valet parking spaces, if utilized subject to DRC approval, may be 8'x17' with a 20' two-way drive aisle, subject to Fire Code requirements. The Town reserves the right to modify this stall size based on changes in the vehicle mix as evidenced by sales data or other nationally accepted reports (e.g. by the National Parking Association, Edmunds, or Kelly Blue book).
- (6) One-way parking dimensions shall be according to the Town of Hempstead Building Zone Ordinance or the Urban Land Institute *Dimensions of Parking* publication.
- (7) The DRC reserves the right to permit smaller parking stalls and/or drive aisles, if appropriate for circulation and subject to the stipulations of the Fire Code.
- (8) A reduction in the minimum number of required parking spaces may be approved for combinations of uses which have staggered demand schedules over time, such as daytime office with residential. The process for calculating this reduction can be found in Section Q.
- (9) Each development shall be required to submit a parking management plan to the Design Review Committee. The requirements of the parking management plan can be found in Section Q.
- (10) Each development shall demonstrate inclusion of a Town-recognized carsharing program, which includes an agreement between the property owner and a carsharing operator that is filed and approved by the Town. The carsharing program shall be recorded with the deed that runs with the property. Each development shall provide one (1) parking space to be leased by a carsharing program for every 50 dwelling units. These designated parking spaces are included in the required off-street parking spaces to be provided, in a similar fashion to ADA parking. If more than three (3) carsharing parking spaces are provided, for the fourth, fifth, and sixth carsharing spaces, the number of required parking spaces site-wide shall be reduced by three parking spaces as shown in the following table, up to a maximum site-wide reduction of nine (9) required spaces.

Car-Sharing Spaces	Reduction in total parking requirement
1, 2, or 3 spaces	None
4 spaces	3 fewer spaces site-wide
5 spaces	6 fewer spaces site-wide
6 spaces	9 fewer spaces site-wide
7 or more spaces	9 fewer spaces site-wide

- (11) To promote train ridership and the reduction of vehicle usage, property owners shall provide a monthly reimbursement of 25% of the cost of a monthly LIRR ticket to each resident who demonstrates evidence of purchasing a monthly ticket. Reimbursements shall be limited to a maximum of one (1) per unit, and reimbursement will be in the form of a reduction of monthly rent total for the following month. The reimbursement program shall be in place for at least 20 years after the opening of the building.
- (12) Property owners shall install a digital "travel concierge" informational kiosk in the building lobby that displays real-time transit (train and bus) arrival information for residents to utilize.
- (13) Bicycle parking facilities shall be provided on site in a designated area that is visible from the adjacent parking lot if outdoors. In no case shall there be less than 1 bicycle rack that can accommodate at least three (3) bicycles. Bicycle parking racks should be securely anchored to the ground (in-ground mounting) so they cannot be easily removed and should be of sufficient strength to resist theft. If located in a parking area, the racks should be separated by a physical barrier (e.g. flexible bollards) to discourage errant encroachment by drivers, and there should be a 5' minimum sidewalk around the rack area. Bicycle parking should be designed subject to the following guidelines:
- (a) Inverted "U" racks are preferred.
  - (b) At least 18" wide and 33" tall when installed.
  - (c) Securely anchored to a solid, immovable surface.
  - (d) Have two (2) points of contact for a typical adult or child's bicycle frame.
  - (e) Allow the user to lock the frame and one (1) wheel using a standard U-lock.
  - (f) Constructed of steel pipe or tubing.
  - (g) Galvanized with a powder coat finish to protect against corrosion, if located outdoors.
  - (h) Racks shall be mounted in the ground or in a concrete pad. Surface mounting is not permitted. If mounted in brick or stone pavers, rack legs must be 9" deep in a 12"x12" concrete block under 6" of pavers. If mounted in concrete, the rack tubes shall be a minimum of 9" deep in concrete.
  - (i) If mounted indoors, wall-mounted racks are permissible if the wall material satisfies the above stipulations.

(j) Clearances around individual racks are tabulated below:

Dimension	Minimum Clearance
Aisle Width - Double-decker racks	7 ft
Distance - end to end U racks	8 ft
Vertical clearance for Double-decker rack	See manufacturer's specs

**Figure 5: Bicycle Rack Dimensional Standards**

- (14) There shall be 1 electric car charging station provided for each 50 dwelling units or fraction thereof.

**Q. Parking management plan submission.**

- (1) Submit the number of required parking spaces for each land use based on the parking requirements outlined in Section P. Alternative parking requirements based on the Institute of Transportation Engineers (ITE) Parking Generation Manual, latest edition, or a targeted similar-site engineering study may be submitted for DRC use.

(2) A reduction in the minimum number of required parking spaces may be approved for combinations of uses which have staggered demand schedules over time, such as daytime office with residential. To take advantage of this parking reduction, an Applicant must:

(a) Provide a 24-hour utilization chart for each proposed use based on industry standard documents including but not limited to those published by the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI), and the American Planning Association (APA) to justify parking reductions due to shared/staggered parking between proposed uses. An example of a parking utilization chart can be found in Figure 5.

Use Type	Weekdays					
	8:00-12:00	12:00-5:00	5:00-8:00	8:00-12:00	12:00-5:00	5:00-8:00
Residential	50%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Retail Commercial	90%	50%	5%	100%	70%	5%
Restaurant	70%	100%	10%	70%	100%	20%
Civic Institution	100%	20%	5%	10%	10%	5%
Religious Institution	10%	5%	5%	100%	50%	5%
Bar/Entertainment	40%	100%	10%	80%	100%	50%
Movies Theater	40%	80%	10%	80%	100%	10%
Hotel	70%	100%	100%	70%	100%	100%

Figure 6: Example Parking Utilization by Use

(b) Provide the staggered demands between multiple uses utilizing the parking requirements and parking utilization chart. A sample calculation can be found in Figure 6.

*Example: A property owner wishes to share a parking lot which takes advantage of staggered hours parking demands. One use is an office building which normally requires 30 parking spaces. The other use is residential apartments which also normally would require 30 spaces. Normally, these two uses would require a total of 60 spaces. However, since the parking demand for these two uses isn't always experiencing peak demand at the same time of day, a reduction can be applied.*

*During weekday business hours (8:00 a.m. to 6:00 p.m.) the office use needs 100% of its parking, so it would need all 30 of its parking spaces. During that same period, however, the residential use only needs 50% of its total parking, so it would only need 15 of its 30 spaces. The remaining time slots for each use are also filled out as follows:*

Use Type	Weekdays					
	8:00-12:00	12:00-5:00	5:00-8:00	8:00-12:00	12:00-5:00	5:00-8:00
Residential	15 (50%)	30 (100%)	30 (100%)	24 (80%)	30 (100%)	30 (100%)
Office	30 (100%)	6 (20%)	2 (5%)	2 (5%)	2 (5%)	2 (5%)
Total Spaces Needed:	45	36	32	26	32	32

Figure 7: Example of Reduced Parking Requirement Calculation

*Adjusting for the fluctuations, this shared parking area would experience its highest combined peak demand during the 8:00 a.m. to 6:00 p.m. weekday time slot, when 45 parking spaces would be needed. The remaining time slots are each less than that, so this parking lot would only be required to provide 45 spaces instead of the original 60.*

(c) Demonstrate that a minimum of 10% surplus parking spaces above the demand calculated from the process outlined in Section (b) will be provided. Using the example above, the number of required parking spaces would be 50 parking spaces ( $45 \times 1.1 = 49.5$ ). All parking should be provided in accordance with Section P of this code.

(3) Demonstrate inclusion of a Town-recognized carsharing program as outlined in Section P of this code.

- (4) Provide a diagrammatic exhibit illustrating the location of on-site short-term parking areas for non-residential uses. These spaces should be located closer to building entrances than parking specifically designated for residential use.
- (5) Provide explanation and documentation supporting any additional service the Applicant will provide that may reduce the on-site parking demand.

R. Design guidelines.

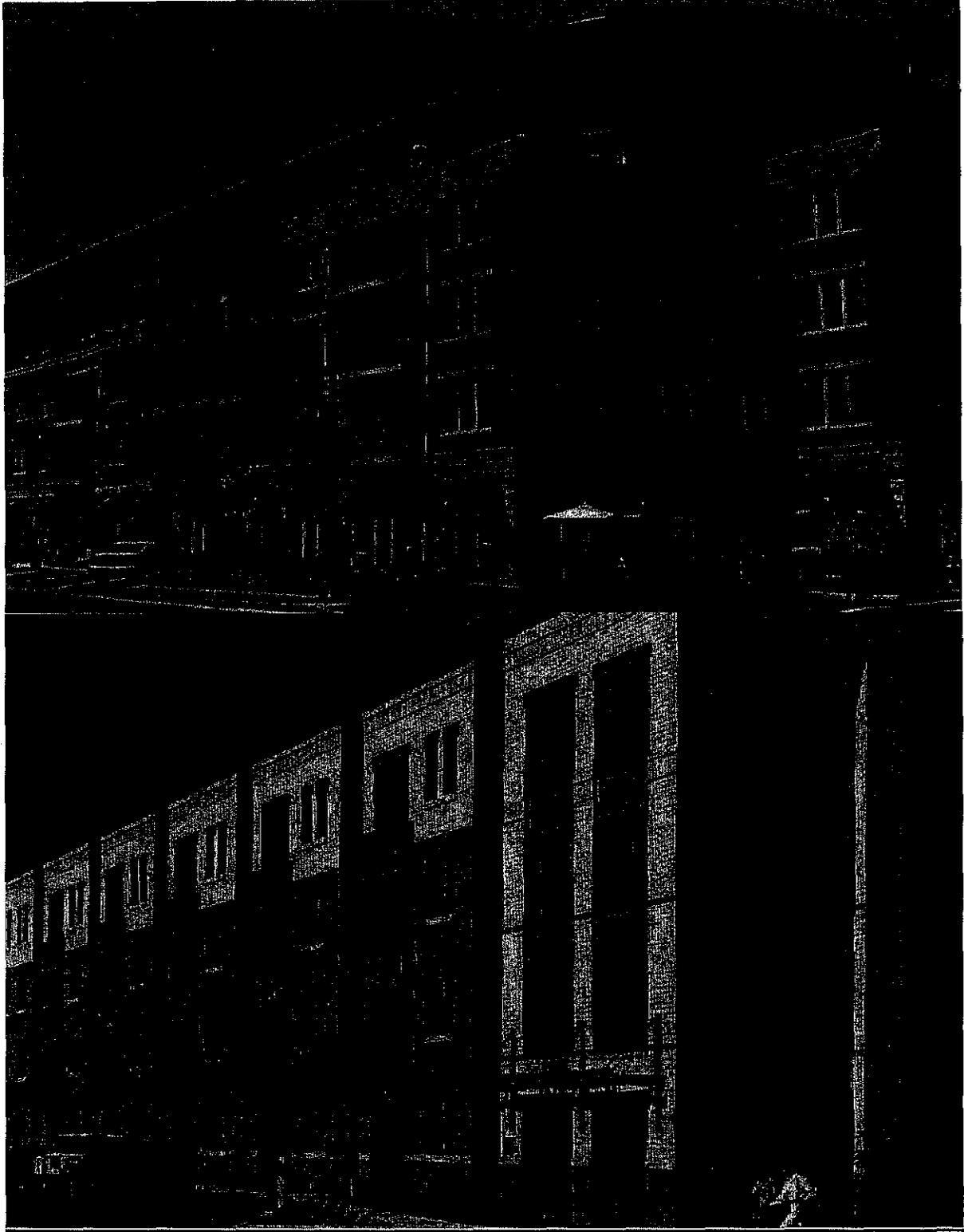
These design guidelines should be used as a tool by the Town's designated Design Review Committee (DRC) as it reviews development proposals for the TOD District and assures a complementary design style for the district that achieves the goals of green building and sustainability principles in creating a vibrant mixed-use environment.

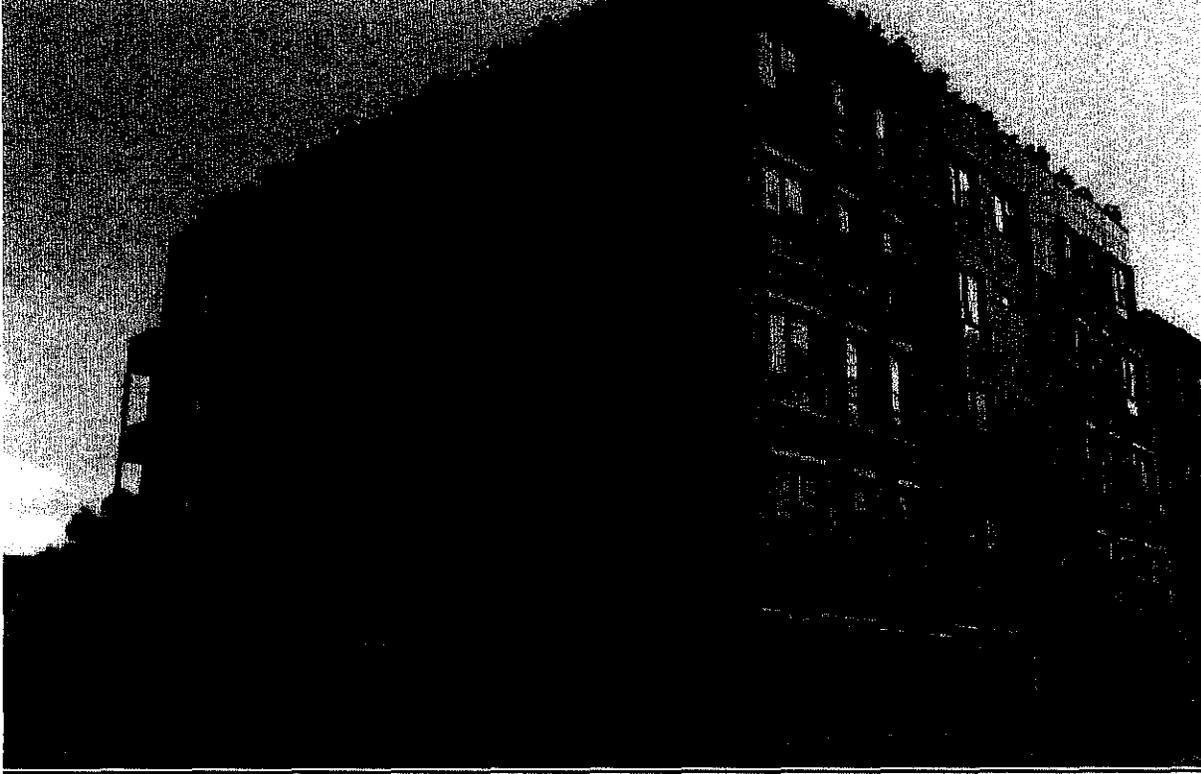
- (1) Building shape, proportions, massing and design should be appropriate to the character achieved through the creation of a transit oriented development area. Architectural articulation should be generally consistent with the recommended examples shown in the following figures.
- (2) The exteriors of buildings shall utilize high quality cladding materials such as brick, stucco, stone, cementitious siding, or a combination of such materials or their equivalent. The use of imitation, synthetic, metallic and reflective materials should be limited. The use of aluminum or vinyl siding, imitation brick, or plastic shall be prohibited, unless recommended by the DRC.
- (3) Buildings located on corner sites shall have enhanced building articulation and façade treatment on all street facing sides.
- (4) Building design and landscaping shall serve to reinforce and announce the main pedestrian building entrances.
- (5) Parking shall be placed in the rear of buildings and should be adequately planted and landscaped in order to create an attractive point of arrival.
- (6) Walkways should be provided for safe and convenient pedestrian access from sidewalks to storefront entries.
- (7) Ground level space improved with commercial use should include display windows, lighting, architectural treatments, and/or landscaping that is active, visible, and enhances the pedestrian environment.
- (8) Trash/dumpster areas shall be fully enclosed with self-closing and self-latching doors, and each enclosure should accommodate both trash and recycling bins. Trash enclosures should be an integral part of the building design whenever possible.
- (9) Whenever a development abuts upon a single-family residential parcel or building, there shall be suitable screening, landscaping or buffer plantings, as recommended by the Design Review Committee.
- (10) Any building constructed over three-stories shall be Type 2 non-combustible construction, in accordance with International Building Code 2015 with amendments.

**Recommended Design Styles**

(Note: Color version of photos can be viewed on the Town's website or in person in the Building Department.)







#### S. Green Building and Sustainable Site Development.

- (1) The creation of the Transit Oriented District has provided the setting for integrating the concepts of green building and sustainable site development. It shows the Town's commitment to minimize the short-term and long-term negative impacts construction has on the environment and the commitment to promote the benefits that green building and sustainable development have on the public health and welfare. Green building brings together a vast array of practices, and emphasizes taking advantage of renewable resources. With the proper synergistic design, individual green building technologies may work together to produce a greater cumulative effect. While this does not require USGBC LEED certification, this code encourages developers to utilize green building techniques and sustainability, and requires a LEED (current version) project checklist demonstrating compliance with the certification level to be submitted as part of the DRC review.
  - (a) Energy-efficient and water saving appliances and fixtures shall be used.
  - (b) LED lighting and occupancy sensors should be used to reduce electrical demand.
  - (c) All exterior lighting shall use photosensitive cells that automatically turn off lights at sunrise.
  - (d) Healthy indoor air quality shall be maintained with appropriate building materials and HVAC systems.
  - (e) Landscaping shall consist of native plants that use water efficiently.

- (f) All sites providing irrigation shall provide a method to capture and re-use rainwater for irrigation purposes.
- (g) Sites shall provide bio-swales and/or rain gardens to provide pre-treatment, surface detainment and opportunity for surface infiltration.
- (h) Sun, wind and landscape conditions shall be considered when siting the building to take advantage of natural/passive heating, shade, cooling and daylighting.
- (i) Developments shall employ passive heating and cooling design strategies to the maximum extent feasible. Strategies to be considered include high insulation values, energy efficient windows including high performance glass, light-colored or reflective roofing and exterior walls, and window shading and landscaping that provides shading during the appropriate seasons.
- (j) New multi-family residential structures shall include electrical conduit specifically designed to allow for later installation of a photovoltaic (PV) system which utilizes solar energy as a means to provide electricity.
- (k) Roof top terraces in conjunction with live green roof treatments should be encouraged as another way to provide open space for residents.

(2) Stormwater management.

All development shall comply with the stormwater and erosion and sediment control provisions in Article XXXVIII of the Town Code, as well as the New York State General Stormwater Permit and Green Infrastructure and other applicable requirements set forth in the most current version of the New York State Stormwater Design Manual. When ground level public open space is not located above a below-grade garage, a minimum of 50% of the surface cover area shall be constructed of permeable/porous pavers, and maintained by the building owner according to current accepted practice, to limit the intrusion of sand or other debris that could inhibit stormwater leaching. Impervious cover should be reduced to the maximum extent practicable.

(3) Landscaping.

All usable open space, such as pedestrian walkways, along streetscapes, separations between buildings, common recreation areas, pedestrian-oriented open spaces and outdoor parking areas shall be landscaped and provided with control timers and underground irrigation systems, or an alternative equivalent system. Parking areas shall be screened from all residential uses and pedestrian-oriented areas through the use of trees, shrubs, walls and/or trellis structures with plants. Irrigation systems shall be designed to provide a method for capturing and reusing rainwater for irrigation purposes.

T. Signs.

Signs, which are categorized and authorized under the provisions of Article XXIV, are permitted, subject to general consistency with the Transit Oriented Development District Design Guidelines. Signs should be an integral part of the building and should be compatible in scale

and proportion with building design and other signs. Signs shall be located to facilitate passing pedestrians as well as drivers.

U. Design review and application submission procedures.

Applicants proposing development in the TOD District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

- (1) There shall be a Design Review Committee for purposes of applying the Transit Oriented Development Zoning District Design Guidelines and Site Requirements to perspective application submissions. The DRC has the ability to recommend to the Department of Buildings whether an application has met the criteria to allow it to be eligible for exemption from Section 305 procedures. The DRC shall be governed as follows:
  - (a) The DRC shall be comprised of Town designated representatives (a minimum of three (3) and up to five (5)), chaired by the Commissioner of Buildings, or their appointee. A recommendation from the DRC to the Building Department shall be necessary prior to the submission of building plans for properties located in the TOD District.
  - (b) After an initial meeting has been scheduled with the DRC, the applicant shall submit the following materials in order for the DRC to provide beneficial comments to the applicant and make a knowledgeable recommendation to the Department of Buildings: conceptual architectural floor plans and color rendered elevations, a conceptual site plan, a conceptual landscape plan, a parking management plan, and a LEED project checklist. The conceptual site plan shall include the building footprint, proposed site access curb cut(s), and off-street parking. The parking management plan shall include any necessary engineering analysis or information required to support shared parking or other requested parking credits.
  - (c) The DRC shall submit a written recommendation to the Department of Buildings stating whether a filed submission should be eligible for exemption from Section 305 procedures within 30 days of its final meeting with an applicant.
  - (d) If an applicant receives a recommendation from the DRC accepting the proposal, then the Commissioner of Buildings is authorized to waive compliance with Section 305 of this Ordinance to the extent that it might otherwise have complied.
  - (e) In reviewing applications, the DRC shall substantially follow the applicable criteria and design guidelines of Section R, Transit Oriented Development District, and such other matters as the DRC may deem germane.
- (2) All applications submitted for new construction on properties located in the TOD District and determined by the Department of Buildings to be compliant with the provisions and guidelines of this article, shall be exempt from Section 305 of the Town Code, which requires a site plan of the property to be submitted to the Town Board for its review and consideration prior to the issuance of a building permit. Approvals from Town of

Hempstead Engineering Department, Highways Department, and Conservation and Waterways Department shall be required prior to the issuance of a building permit.

V. Workforce housing.

Projects with five (5) or more residential units shall be required to designate 20% or more of the units as affordable to individuals/families earning no more than 60% of Area Median Income (AMI) for the Nassau-Suffolk, NY HUD Metro FMR Area, subject to guidelines, as established by the Town Board.

- (1) All provisions in this section relating to the construction, maintenance and leasing of workforce housing units shall be binding on all successors and assignees of the initial building owner. No certificate of occupancy shall be issued for any building within the Town that is required to contain workforce housing units unless and until all requisite legal documents to effectuate this, as determined by the Town Attorney, are executed and recorded.
- (2) At the conclusion of the thirty-year period during which the requisite units in a building shall be rented as workforce housing units in accordance with the provisions of this section, such units may thereafter be rented by the building owner at market rates, provided that persons renting and occupying a workforce housing unit shall have an additional period after the conclusion of the thirty-year period to vacate the unit, during which time their rental rate shall remain at the level set in accordance with this section; said additional period shall be six (6) months for persons who have resided in the workforce housing unit for less than four (4) years, and twelve (12) months for persons who have resided in the workforce housing unit for four (4) years or longer. The building owner shall notify every signatory party on a rental agreement of the thirty-year period sunset date and the stipulations of this Code section.
- (3) Financial eligibility.

At the time of the determination of financial eligibility, the current annual gross income of all persons living in the eligible person's household shall not exceed 60% of the median household income of the Nassau-Suffolk NY HUD Metro FMR Area, with adjustments for household size, as defined and periodically updated by the United States Department of Housing and Urban Development (HUD). At the time of application for a workforce housing unit, the applicant may be required to submit a sworn certification attesting to the amount of the household's current annual gross income and, as part of the application process, may also be required to submit documentation to confirm said amount, including but not limited to tax returns and pay stubs.

(4) Rent level.

The annual rent to be charged for a workforce housing unit by the building owner shall be a maximum of 30% of the combined current annual gross income of all persons living in the eligible person's household.

(5) Leases.

- (a) Leases for workforce housing units shall be in writing; shall have terms of one (1) or two (2) years; shall provide that the rental costs specified therein to the eligible persons shall be adjusted upon each lease renewal; shall provide for termination and

nonrenewal in accordance with the provisions of this article; and shall not have provisions which shall be discriminatory vis-à-vis persons in workforce housing units.

- (b) No lease for a workforce housing unit shall be assignable. No subletting of all or any portion of a workforce housing unit shall be permitted.
  - (c) The building owner shall provide the Town annually with a sworn certification that the workforce housing units in the building have been marketed and leased in accordance with the provisions of this section.
  - (d) In addition to any other notices required by law, the building owner shall provide written notice to the persons occupying a workforce housing unit of a determination that the lease for a workforce housing unit is not being renewed on the grounds that said person is no longer eligible for a workforce housing unit, together with a written explanation of the basis for the determination of noneligibility; and a determination that the lease for a workforce housing unit is being canceled or terminated for any other reason, together with a written explanation of the basis for the proposed cancellation or termination.
- (6) Application and selection process.
- (a) When workforce housing units shall become available for rental in buildings in the Town pursuant to the provisions of this article, the building owner shall disseminate information about the availability of workforce housing units by methods reasonably calculated to notify potentially eligible persons. Such notification shall include materially relevant information about the location, size and cost of the workforce housing units to become available; a statement of eligibility guidelines; a description of the application process; a description of the thirty-year sunset date; and contact information to be used by persons interested in obtaining information or submitting an application. The building owner shall provide a copy of such advertising as part of the annually sworn certification for Town review.
  - (b) Any person who wishes to apply for a workforce housing unit shall become available shall be required to submit a written application demonstrating eligibility for such units under the standards established by this section and documentation to confirm such eligibility.
  - (c) The application of all persons who have submitted a valid and complete application for a workforce housing unit shall be ranked in accordance to the following categories of priority. Residents of the hamlets of North Lawrence and Inwood shall be defined as residing in either Census Tract 4110 or 4111, as defined by the United States Census Bureau.
    - [1] Members of the United States Military (Active or Retired), and are Residents of the hamlets of North Lawrence or Inwood.
    - [2] Volunteer firefighters from the Inwood and Lawrence-Cedarhurst Fire Departments, and are residents of the hamlets of North Lawrence or Inwood.
    - [3] Residents of the hamlets of North Lawrence and Inwood.

- [4] Members of the United States Military (Active or Retired), and are Residents of the Town of Hempstead.
- [5] Residents of the Town of Hempstead.
- [6] Other residents of Nassau County.
- [7] All others.

Applications received within thirty (30) days of the advertising notice shall then be reviewed, and determination of eligibility made by the building owner, according to the order of ranking.

- (d) In marketing and selecting tenants for workforce housing units in a building, a building owner shall contract with a third-party entity, such as Long Island Housing Partnership (LIHP) or Community Development Corporation of Long Island (CDCLI), who has experience in developing and implementing affirmative marketing plans for affordable/workforce housing as well as performing income eligibility reviews on behalf of the building owner. The third-party entity will also be responsible for ongoing administration and management of the building's workforce housing program.
- (e) A person who has submitted an application for a workforce housing unit shall receive written notice of eligibility or noneligibility within thirty (30) days or at the same time the selected lessee is notified, whichever is later. For persons deemed not eligible, the notification shall include the reasons therefor.
- (f) Absent good cause shown, any person who is selected to rent a workforce housing unit shall be required to sign a lease for the workforce housing unit within 15 days after the unit becomes available for rental and the eligible person has been notified of eligibility (the availability date). The eligible person may also be required by the building owner to deposit all sums due in connection with entering into a lease within 30 days after the availability date, and to commence paying rent for the workforce housing unit as of 60 days after the availability date. If a selected eligible person is unable or fails to meet these time requirements, then the available workforce housing unit shall be offered to other eligible persons in the order of their ranking in accordance with the provisions of this section.

(7) Loss of eligibility.

- (a) If a person is initially eligible to rent a workforce housing unit, and during such period of eligibility, enters into a lease for a workforce housing unit, but such person subsequently fails to satisfy eligibility standards, then such person's right to continue renting and occupying the workforce housing unit shall end three (3) months after written notice of loss of eligibility is sent to such person, or at the end of such person's current lease, whichever is later. Every lease for a workforce housing unit shall contain a provision stating this. Determinations regarding a loss of eligibility shall be made in accordance with the provisions of this article. Written notice of the loss of eligibility shall be made in accordance with the provisions of this section by the building owner or by the third party handling oversight (e.g. CDCLI or LIHP). Written notice of the loss of eligibility shall be sent by express mail and/or certified mail, return receipt requested, to the persons occupying the workforce housing unit.

If the formerly eligible person fails to voluntarily vacate the workforce housing unit at the requisite time, or violates the lease prior to such date, then all appropriate, lawful and available measures shall be used by the building owner to evict such person involuntarily.

- (b) No person who is occupying a workforce housing unit shall be automatically entitled to a renewal lease from the building owner. However, if a renewal lease is not offered by the building owner to an eligible person who continues to satisfy the eligibility requirements of this section, then, for a period of two (2) years after the expiration date of the lease which has not been renewed (the nonrenewed lease), the building owner shall be prohibited from charging a higher rent for the workforce housing unit than that specified in the nonrenewed lease.

(8) Other laws mandating workforce housing.

- (a) In the event that there are other laws or amendments to existing laws which will be or have been enacted by the Town or other governmental authorities (such as New York State or the County) which require the provision of workforce housing units within the Town, including but not limited to the Long Island Workforce Housing Act, the provisions of this article shall govern, unless they are legally preempted by such other law, to the extent they require a greater number of workforce housing units to be provided, or they address issues which are not addressed by such other law.
- (b) The Town Board may, by resolution, adopt such further procedures and regulations as may be necessary to implement and effectuate the construction and leasing of workforce housing units within the Town.

W. TOD infrastructure/improvement district fee.

The Town is imposing a fee that is reasonably related to the burdens produced by the creation of transit oriented development situated around a LIRR station and serving as a commercial center on the Town's infrastructure system and will enable the Town to construct the required infrastructure and streetscape improvements for Town-owned property that will contribute to fulfilling the goals of having transit oriented development. Infrastructure costs associated with public water supply upgrades, public sanitary sewer upgrades, natural gas and/or electric distribution shall be addressed by the respective utility purveyors or at the cost of the developer(s) as determined at the time of an application made to the Town.

- (1) The regulations, requirements and provisions of this section shall apply to all new residential and development located in the Transit Oriented Development District.
- (2) The developer of a project shall pay an infrastructure/improvement fee in accordance with the following:
  - (a) For multi-family residential development: \$10,000 per dwelling unit, excluding designated workforce housing units, only up to a maximum of 20 percent of the total number of units constructed. The infrastructure/improvement fee shall be applied to all workforce housing units constructed in excess of 20 percent of the total number of units constructed.

- (3) The applicant shall pay the fees according to the schedule of fees in place on the date fees are paid.
- (4) No building permit shall be issued unless the fees have been paid.
- (5) The fees paid to the Town pursuant to the provisions of this Section shall be deposited into a TOD Infrastructure/Improvement Fee Account and used solely for the purpose described in this Section. All monies deposited into this account shall be held separate and apart from other Town funds. All interest or other earnings on the unexpended balance in the account shall be credited to the account.
- (6) All monies and interest earnings in the TOD Infrastructure/Improvement Fee Account shall be expended on the construction and related design and administration costs of constructing roadway, infrastructure and streetscape improvements within the TOD District.
- (7) To account for inflation in infrastructure and improvement costs, the fee imposed by this ordinance shall be adjusted automatically on July 1 of each fiscal year, beginning on July 1, 2020, equivalent to 10% of the annual change in the Consumer Price Index.

X. Interpretation; conflicts with other regulations.

- (1) In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
- (2) In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

**§ 433. Neighborhood Business (NB) Overlay District for North Lawrence and Inwood.**

**A. Statement of intent and purposes.**

It is in the public interest for the Town to utilize its zoning authority to establish a Neighborhood Business (NB) Overlay District, in order to meet the demand for mixed-use development incorporating housing and commercial uses in a walkable environment. The Town recognizes the benefits of development that is consistent with smart growth, which is an approach to development that encourages a mix of building types and uses, diverse housing and transportation options, walkable neighborhoods, development within existing neighborhoods and community engagement. These are some of the principles that are considered the foundation of a smart growth approach.

The area along Lawrence Avenue in North Lawrence is a mix of several different uses, both commercial and industrial, as well as residential. The street is a main thoroughfare for the area, and can become a vibrant, neighborhood-scale mixed-use center for North Lawrence with the creation of a mixed-use district. The area can serve as a commercial center for residents, as well as a place to reside. The area also serves as a transition between the high density housing found in the area around the LIRR train station and the detached and attached residential housing found within the rest of the neighborhood.

The central business district in Inwood is located along Doughty Boulevard. There is a strong need to preserve this identity for the area, and also be able to incorporate residential living to create a distinct mixed-use community. The business district can serve the immediate area as well as the residents who are living there. With design standards in place, the area will have a unique look and feel.

Applicants proposing development in the Neighborhood Business Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town-appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

**B. Definitions.**

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

**AREA MEDIAN INCOME (AMI)**

The household income for the median household in the Nassau-Suffolk County metropolitan area. Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD focuses on the region, rather than just the city, because families searching for housing are likely to look beyond the city itself to find a place to live.

**DWELLING UNIT**

A building or portion thereof designed for occupancy by one family only, containing a single kitchen, in which members of a family all live and cook together as a single housekeeping unit. Such a building shall not contain separate or segregated internal partitions or locked internal doors barring access between portions of the dwelling, including bedrooms.

**DESIGN REVIEW COMMITTEE (DRC)**

Comprised of three (3) to five (5) Town designated representatives, chaired by the Building Department Commissioner, selected to provide an initial review of the architecture and site design of a proposed development, and make an advisory recommendation to the Building Department stating whether a filed submission should be eligible for exemption from Section 305 procedures.

**FAIR MARKET RENT (FMR)**

Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the HOME rental assistance program.

**HEIGHT**

The vertical distance measured from the mean level of the established center-line grade ("crown of road") of the street adjacent to the building plot to the highest point of the roof deck in the case of flat roofs and to the mean level between the eaves and the highest point of the roof in the case of sloped roofs. Each side of the building shall meet this requirement separately. Roof-mounted solar panels are excluded from the definition of height.

**HOUSEHOLD**

The person who seeks to rent a workforce housing unit, together with any other individual who resides in the workforce housing unit, including without limitation, parents, children, spouses, siblings and persons united in a legally recognized civil union.

**MULTIPLE-FAMILY DWELLING UNIT**

A building containing two or more dwelling units.

**WORKFORCE HOUSING UNIT (WHU)**

A residential unit that is mandated to be constructed under the provisions of this article and to be rented or sold to an eligible individual pursuant to the standards set forth in this article.

C. Applicability.

In the Neighborhood Business (NB) Overlay District, the following regulations shall apply.

- (1) In North Lawrence, the Neighborhood Business Overlay District applies to parcels on the west side of Lawrence Avenue, between Wanser Avenue and Mott Avenue, and on the east side of Lawrence Avenue between Mill Street and Mott Avenue. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section N (Minimum lot area and street frontage).

In Inwood, the Neighborhood Business Overlay District applies to parcels located on the east and west sides of Doughty Boulevard, between Bayview Avenue and Mott Avenue, as well as parcels located on the west side of Lord Avenue, between Wanser Avenue and Bayview Avenue. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section N (Minimum lot area and street frontage).

- (2) The regulations found in this Article shall govern all development that is fully compliant with the regulations. All other development within the overlay district shall continue to be governed by the regulations governing the existing underlying zoning district.

D. Permitted uses.

A building may be erected, altered or used and a lot or premises may be used for the following purposes, and for no other:

- (1) In the Neighborhood Business Overlay District the following uses, and no others, shall be permitted on the ground level:
  - (a) Stores for the sale, at retail, of articles to be used or consumed off the premises.
  - (b) Personal service shops such as barbershops and beauty parlors.
  - (c) Offices (including shared workspace), banks, financial institutions.
  - (d) Museums, art galleries.
  - (e) Libraries.
  - (f) Health clubs.
  - (g) Restaurants (including café, deli and bar/tavern).
  - (h) Community centers.
  - (i) Uses not listed above that are similar in character, scale, and impact to the uses listed above may be allowed if granted special permit by the Town Board, based upon consistency with the regulations and intent of this article.

- (2) In the Neighborhood Business Overlay District the following residential uses, and no others, shall be permitted on the upper levels:

- (a) Multiple-family dwellings.

E. Prohibited uses.

- (1) All uses not expressly permitted are prohibited.
- (2) Drive-through facilities.
- (3) Above-grade structured parking.

F. Population density.

No multiple-family dwelling shall be erected or altered to accommodate or make provision for more than 24 households per acre.

G. Height.

No building shall be greater than 3 stories or 35 feet in height. "Height" shall be defined as applicable to the Neighborhood Business Overlay District.

H. Building area.

The building area shall not exceed 40% of the lot area.

I. Dwelling unit size.

The minimum dwelling unit size shall be as follows: Studio Apartment – 550 square feet.

J. Front yards.

There shall be a front yard, the depth of which shall be at least 5 feet.

K. Side yards.

There shall be a minimum side yard setback of either 0 or 10 feet. The minimum required aggregate side yard width shall be 40 feet. A minimum landscape buffer strip of not less than 5 feet in width shall be maintained where a side yard setback is provided.

L. Rear yards.

There shall be a rear yard, the depth of which shall be at least 60 feet, which includes a landscape buffer strip of not less than 10 feet in width.

M. Curb cuts.

Every effort shall be made to limit access to one (1) curb cut per developable parcel. The DRC shall allow adjacent lots to share a curb cut provided that common ownership applies or a reciprocal easement is executed.

N. Minimum lot area and street frontage.

No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 14,000 square feet and has a minimum street frontage of 100 feet. Corner parcels shall have a minimum total aggregate street frontage of 200 feet. At least 60% of the building facing street frontage shall be occupied by a ground level structure.

O. Off-street parking.

In the case of a multiple-family dwelling, there shall be provided on the premises parking or garage facilities adequate to accommodate the following requirements: 1 space per unit for a studio unit or a 1-bedroom unit, and an additional 0.5 spaces for each additional bedroom. A

minimum of one parking space for each 300 square feet of commercial ground floor area shall be provided. Restaurants shall accommodate 1 space for each 4 seats, plus 1 space for each 4 employees.

P. Design guidelines.

A mixed-use district is intended to accommodate and foster pedestrian usage by combining commercial/retail uses and residential uses in the same building. The interaction of these different uses during day and evening hours provides a dynamic that cannot usually be created with typical single use zones. Having the combination of uses helps to reduce the dependency upon the automobile, makes pedestrians a focal point and encourages human interaction, smaller scale buildings, and a vibrant sidewalk environment.

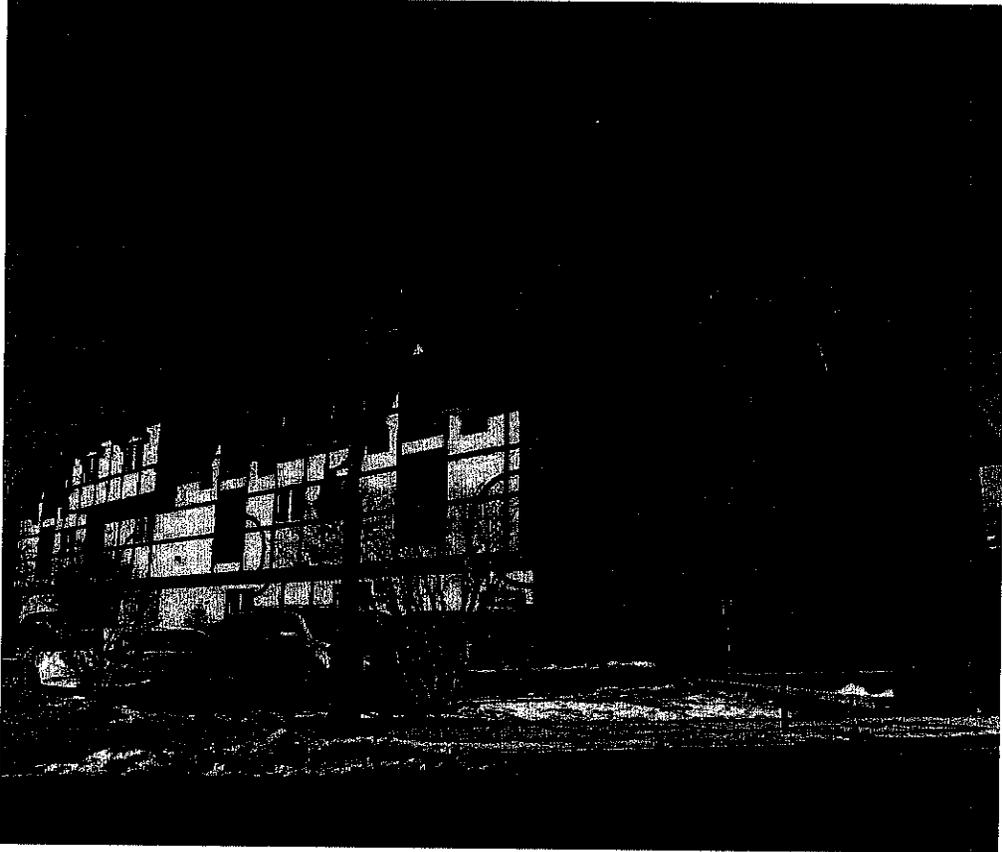
- (1) **Massing.** Massing is particularly important in creating the proper context and scale of structures in relation to their setting. Proper building massing should be achieved through the use of sufficient vertical, horizontal and roof articulation of the building. Combinations of one- and two-story elements on the same building are encouraged to facilitate articulation. Dormers, gables, eaves, and other projections may also be used to break up architectural forms.
- (2) **Facades.** Consistent with the architectural style of the building, street-facing facades should incorporate articulation and mix of color and materials to create diversity in the streetscape. Building elevations other than the street-facing elevation should have similar but less detailed architectural treatments. Street level commercial uses should incorporate clear glass and should be designed to incorporate displays. On a corner lot, a building shall expand a minimum of 50 feet along both street frontages and include an enhanced building articulation and façade treatment.
- (3) **Windows.** Upper and lower story windows are required for each façade having frontage on a street or open space. At least one (1) window per façade should be large enough to accommodate emergency egress as defined by the current New York State Building Code.
- (4) **Roofline variation.** Where architecturally appropriate, sloped roofs should provide articulation and variations to divide the massiveness of the roof. Sloped roofs should include eaves, which are a minimum of eighteen inches in width. Sloped roofs should screen mechanical equipment by providing a "roof-well," or by placing the equipment within the roof structure. All rooflines in excess of forty feet wide should be broken up through the use of gables, dormers or other appropriate means. No requirement in this Code shall preclude the ability to install roof-mounted solar panels or associated equipment. Solar panels are considered to satisfy the requirements herein for roofline variation.
- (5) **Proportions.** The scale of all structures in relation to other structures and spaces is important. Buildings and spaces between buildings should relate easily and openly to the external public areas. To balance horizontal features on longer facades, vertical building elements, such as building entries, should be emphasized.
- (6) **Façade modulation.** Building facades visible from public rights-of-way or public open space, except ground floor commercial, shall be modulated approximately every forty feet. The modulation shall have a minimum depth of four feet.

- (7) Façade articulation. Facades should be varied and articulated to provide visual interest to pedestrians. The roof line of buildings should be modulated and should include interesting architectural features, such as decorative eave, trim or cornice. Window articulation through use of decorative trim, such as window hoods and the use of smaller regularly spaced windows in upper stories with smaller divided lights. Storefront designs and materials should be allowed to be unique while maintaining the character of the building façade of which they are apart. The base of buildings should be articulated through use of plinths, pilasters or other elements.
- (8) Materials and colors. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, stucco, terra cotta, stamped and colored concrete, and tile are encouraged. Where masonry is used for exterior finish, decorative patterns should be considered. These patterns could include a change in color or material. Exterior colors should be given careful consideration in the context of the surrounding buildings and environment.
- (9) Lighting. All residential/commercial mixed-use developments should have exterior lighting that provides adequate visibility at entrances, public sidewalks and open areas with a safe level of illumination at night as defined by the Illuminating Engineering Society (IES) or similar accepted standard. Exterior lighting should be of low intensity, designed to avoid excessive glare, and shielded so that light will not spill out onto surrounding properties or project above the horizontal plane of the adjacent building roofline. This code shall not preclude decorative landscape up-lighting that illuminates plantings adjacent to building walls. Lighting should not blink, flash, oscillate, be of unusually high intensity of brightness, or be unshielded or uncovered.
- (10) Parking. Off-street parking shall either be behind or to the side of development, with ground-floor retail or business along the street frontage. A minimum number of curb cuts shall be allowed, typically one curb cut per building.

**Recommended Design Styles**

**(Note: Color version of photos can be viewed on the Town's website or in person in the Building Department.)**





Q. Landscaping.

All usable open space, such as pedestrian walkways, along streetscapes, separations between buildings, and outdoor parking areas shall be landscaped and provided with control timer, and underground irrigation systems, or an alternative equivalent system. Parking areas shall be screened from all adjoining residential uses and pedestrian-oriented areas through the use of trees, shrubs, walls and/or trellis structures with plants.

R. Stormwater management.

All development shall comply with the stormwater and erosion and sediment control provisions in Article XXXVIII of the Town Code, as well as the New York State General Stormwater Permit and Green Infrastructure and other applicable requirements set forth in the most current version of the New York State Stormwater Design Manual.

S. Signs.

Signs, which are categorized and authorized under the provisions of Article XXIV, are permitted, subject to general consistency with the Neighborhood Business Overlay Design Guidelines. Signs should be an integral part of the building and should be compatible in scale and proportion with building design and other signs.

T. Design review and application submission procedures.

Applicants proposing development in the Neighborhood Business Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

- (1) There shall be a Design Review Committee for purposes of applying the Neighborhood Business Overlay District Design Guidelines and Site Requirements to perspective application submissions. The DRC has the ability to recommend to the Department of Buildings whether an application has met the criteria to allow it to be eligible for exemption from Section 305 procedures. The DRC shall be governed as follows:
  - (a) The DRC shall be comprised of Town designated representatives (a minimum of three (3) and up to five (5)), chaired by the Commissioner of Buildings, or their appointee. A recommendation from the DRC to the Building Department shall be necessary prior to the submission of building plans for properties located in the Neighborhood Business Overlay District.
  - (b) After an initial meeting has been scheduled with the DRC, the applicant shall submit the following materials in order for the DRC to provide beneficial comments to the applicant and make a knowledgeable recommendation to the Department of Buildings: conceptual architectural floor plans and color rendered elevations, a conceptual site plan, and a conceptual landscape plan. The conceptual site plan shall include the building footprint, proposed site access curb cut(s), and off-street parking.

- (c) The DRC shall submit a written recommendation to the Department of Buildings stating whether a filed submission should be eligible for exemption from Section 305 procedures within 30 days of its final meeting with an applicant.
  - (d) If an applicant receives a recommendation from the DRC accepting the proposal, then the Commissioner of Buildings is authorized to waive compliance with Section 305 of this Ordinance to the extent that it might otherwise have complied.
  - (e) In reviewing applications, the DRC shall substantially follow the applicable criteria and design guidelines of Section P, Neighborhood Business Overlay District, and such other matters as the DRC may deem germane.
- (2) All applications submitted for new construction on properties located in the Neighborhood Business Overlay District and determined by the Building Department to be compliant with the provisions and guidelines of this article, shall be exempt from Section 305 of the Town Code, which requires a site plan of the property to be submitted to the Town Board for its review and consideration prior to the issuance of a building permit. Approvals from the Town of Hempstead Engineering Department, Highways Department, and Conservation and Waterways Department, shall be required prior to the issuance of a building permit.

U. Workforce housing.

Projects with five (5) or more residential units shall be required to designate 10% or more of the units as affordable to individuals/families earning no more than 80% of Area Median Income (AMI) for the Nassau-Suffolk, NY HUD Metro FMR Area, subject to guidelines, as established by the Town Board.

- (1) All provisions in this section relating to the construction, maintenance and leasing of workforce housing units shall be binding on all successors and assignees of the initial building owner. No certificate of occupancy shall be issued for any building within the Town that is required to contain workforce housing units unless and until all requisite legal documents to effectuate this, as determined by the Town Attorney, are executed and recorded.
- (2) At the conclusion of the thirty-year period during which the requisite units in a building shall be rented as workforce housing units in accordance with the provisions of this section, such units may thereafter be rented by the building owner at market rates, provided that persons renting and occupying a workforce housing unit shall have an additional period after the conclusion of the thirty-year period to vacate the unit, during which time their rental rate shall remain at the level set in accordance with this section; said additional period shall be six (6) months for persons who have resided in the workforce housing unit for less than four (4) years, and twelve (12) months for persons who have resided in the workforce housing unit for four (4) years or longer. The building owner shall notify every signatory party on a rental agreement of the thirty-year period sunset date and the stipulations of this Code section.

(3) Financial eligibility.

At the time of the determination of financial eligibility, the current annual gross income of all persons living in the eligible person's household shall not exceed 80% of the median household income of the Nassau-Suffolk NY HUD Metro FMR Area, with adjustments for household size, as defined and periodically updated by the United States Department of Housing and Urban Development (HUD). At the time of application for a workforce housing unit, the applicant may be required to submit a sworn certification attesting to the amount of the household's current annual gross income and, as part of the application process, may also be required to submit documentation to confirm said amount, including but not limited to tax returns and pay stubs.

(4) Rent level.

The annual rent to be charged for a workforce housing unit by the building owner shall be a maximum of 30% of the combined current annual gross income of all persons living in the eligible person's household.

(5) Leases.

- (a) Leases for workforce housing units shall be in writing; shall have terms of one (1) or two (2) years; shall provide that the rental costs specified therein to the eligible persons shall be adjusted upon each lease renewal; shall provide for termination and nonrenewal in accordance with the provisions of this article; and shall not have provisions which shall be discriminatory vis-à-vis persons in workforce housing units.
- (b) No lease for a workforce housing unit shall be assignable. No subletting of all or any portion of a workforce housing unit shall be permitted.
- (c) The building owner shall provide the Town annually with a sworn certification that the workforce housing units in the building have been marketed and leased in accordance with the provisions of this section.
- (d) In addition to any other notices required by law, the building owner shall provide written notice to the persons occupying a workforce housing unit of a determination that the lease for a workforce housing unit is not being renewed on the grounds that said person is no longer eligible for a workforce housing unit, together with a written explanation of the basis for the determination of noneligibility; and a determination that the lease for a workforce housing unit is being canceled or terminated for any other reason, together with a written explanation of the basis for the proposed cancellation or termination.

(6) Application and selection process.

- (a) When workforce housing units shall become available for rental in buildings in the Town pursuant to the provisions of this article, the building owner shall disseminate information about the availability of workforce housing units by methods reasonably calculated to notify potentially eligible persons. Such notification shall include materially relevant information about the location, size and cost of the workforce housing units to become available; a statement of eligibility guidelines; a description of the application process; a description of the thirty-year sunset date; and contact information to be used by persons interested in obtaining information or submitting an application. The building owner shall provide a copy of such advertising as part of the annually sworn certification for Town review.

- (b) Any person who wishes to apply for a workforce housing unit shall become available shall be required to submit a written application demonstrating eligibility for such units under the standards established by this section and documentation to confirm such eligibility.
- (c) The application of all persons who have submitted a valid and complete application for a workforce housing unit shall be ranked in accordance to the following categories of priority. Residents of the hamlets of North Lawrence and Inwood shall be defined as residing in either Census Tract 4110 or 4111, as defined by the United States Census Bureau.
  - [1] Members of the United States Military (Active or Retired), and are Residents of the hamlets of North Lawrence or Inwood.
  - [2] Volunteer firefighters from the Inwood and Lawrence-Cedarhurst Fire Departments, and are residents of the hamlets of North Lawrence or Inwood.
  - [3] Residents of the hamlets of North Lawrence and Inwood.
  - [4] Members of the United States Military (Active or Retired), and are Residents of the Town of Hempstead.
  - [5] Residents of the Town of Hempstead.
  - [6] Other residents of Nassau County.
  - [7] All others.

Applications received within thirty (30) days of the advertising notice shall then be reviewed, and determination of eligibility made by the building owner, according to the order of ranking.

- (d) In marketing and selecting tenants for workforce housing units in a building, a building owner shall contract with a third-party entity, such as Long Island Housing Partnership (LIHP) or Community Development Corporation of Long Island (CDCLI), who has experience in developing and implementing affirmative marketing plans for affordable/workforce housing as well as performing income eligibility reviews on behalf of the building owner. The third-party entity will also be responsible for ongoing administration and management of the building's workforce housing program.
- (e) A person who has submitted an application for a workforce housing unit shall receive written notice of eligibility or noneligibility within thirty (30) days or at the same time the selected lessee is notified, whichever is later. For persons deemed not eligible, the notification shall include the reasons therefor.
- (f) Absent good cause shown, any person who is selected to rent a workforce housing unit shall be required to sign a lease for the workforce housing unit within 15 days after the unit becomes available for rental and the eligible person has been notified of eligibility (the availability date). The eligible person may also be required by the building owner to deposit all sums due in connection with entering into a lease within

30 days after the availability date, and to commence paying rent for the workforce housing unit as of 60 days after the availability date. If a selected eligible person is unable or fails to meet these time requirements, then the available workforce housing unit shall be offered to other eligible persons in the order of their ranking in accordance with the provisions of this section.

(7) Loss of eligibility.

- (a) If a person is initially eligible to rent a workforce housing unit, and during such period of eligibility, enters into a lease for a workforce housing unit, but such person subsequently fails to satisfy eligibility standards, then such person's right to continue renting and occupying the workforce housing unit shall end three (3) months after written notice of loss of eligibility is sent to such person, or at the end of such person's current lease, whichever is later. Every lease for a workforce housing unit shall contain a provision stating this. Determinations regarding a loss of eligibility shall be made in accordance with the provisions of this article. Written notice of the loss of eligibility shall be made in accordance with the provisions of this section by the building owner or by the third party handling oversight (e.g. CDCLI or LIHP). Written notice of the loss of eligibility shall be sent by express mail and/or certified mail, return receipt requested, to the persons occupying the workforce housing unit. If the formerly eligible person fails to voluntarily vacate the workforce housing unit at the requisite time, or violates the lease prior to such date, then all appropriate, lawful and available measures shall be used by the building owner to evict such person involuntarily.
- (b) No person who is occupying a workforce housing unit shall be automatically entitled to a renewal lease from the building owner. However, if a renewal lease is not offered by the building owner to an eligible person who continues to satisfy the eligibility requirements of this section, then, for a period of two (2) years after the expiration date of the lease which has not been renewed (the nonrenewed lease), the building owner shall be prohibited from charging a higher rent for the workforce housing unit than that specified in the nonrenewed lease.

(8) Other laws mandating workforce housing:

- (a) In the event that there are other laws or amendments to existing laws which will be or have been enacted by the Town or other governmental authorities (such as New York State or the County) requiring the provision of workforce housing units within the Town, including but not limited to the Long Island Workforce Housing Act, the provisions of this article shall govern, unless they are legally preempted by such other law, to the extent the provisions herein require a greater number of workforce housing units to be provided, or they address issues which are not addressed by such other law.
- (b) The Town Board may, by resolution, adopt such further procedures and regulations as may be necessary to implement and effectuate the construction and leasing of workforce housing units within the Town.

V. Infrastructure/improvement district fee.

The Town is imposing a fee that is reasonably related to the burdens produced by the creation of transit oriented development situated around a LIRR station and serving as a commercial

center on the Town's infrastructure system and will enable the Town to construct the required infrastructure and streetscape improvements for Town-owned property that will contribute to fulfilling the goals of having transit oriented development. Infrastructure costs associated with public water supply upgrades, public sanitary sewer upgrades, natural gas and/or electric distribution shall be addressed by the respective utility purveyors or at the cost of the developer(s) as determined at the time of an application made to the Town.

- (1) The regulations, requirements and provisions of this section shall apply to all new residential development located in the Neighborhood Business Overlay District.
- (2) The fee shall be calculated at \$2,500 per residential unit.
- (3) The applicant shall pay the fees according to the schedule of fees in place on the date fees are paid.
- (4) No building permit shall be issued unless the fees have been paid.
- (5) The fees paid to the Town pursuant to the provisions of this Section shall be deposited into a TOD Infrastructure/Improvement Fee Account and used solely for the purpose described in this Section. All monies deposited into this account shall be held separate and apart from other Town funds. All interest or other earnings on the unexpended balance in the account shall be credited to the account.
- (6) All monies and interest earnings in the TOD Infrastructure/Improvement Fee Account shall be expended on the construction and related design and administration costs of constructing roadway, infrastructure and streetscape improvements within the TOD District and Neighborhood Business Overlay District.
- (7) To account for inflation in infrastructure and improvement costs, the fee imposed by this ordinance shall be adjusted automatically on July 1 of each fiscal year, beginning on July 1, 2020, equivalent to 10% of the annual change in the Consumer Price Index.

W. Interpretation; conflicts with other regulations.

- (1) In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
- (2) In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

X. Severability.

If any clause, sentence, section, paragraph or provisions of this article shall be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this article, but shall be confined in its operation to the clause, sentence, section, paragraph or provisions directly involved in the controversy in which such judgement shall have been rendered.

**§ 434. Residential Townhouse/Rowhouse (TR) Overlay District for North Lawrence and Inwood.**

**A. Statement of intent and purposes.**

It is in the public interest for the Town to utilize its zoning authority to establish a Residential Townhouse/Rowhouse (TR) Overlay District, in order to meet the demand for diverse housing types offered in the Town. The Town recognizes the benefits of development that is consistent with smart growth, which is an approach to development that encourages a mix of building types and uses, diverse housing and transportation options, walkable neighborhoods, development within existing neighborhoods and community engagement. These are some of the principles that are considered the foundation of a smart growth approach.

The primary purpose of Residential Townhouse/Rowhouse (TR) Overlay District is to implement planning and design guidelines for the redevelopment of this area, which will provide a variety of new housing opportunities to support a vibrant and sustainable residential community.

Applicants proposing development in the Residential Townhouse/Rowhouse Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town-appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

**B. Definitions.**

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

**AREA MEDIAN INCOME (AMI)**

The household income for the median household in the Nassau-Suffolk County metropolitan area. Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD focuses on the region, rather than just the city, because families searching for housing are likely to look beyond the city itself to find a place to live.

**DWELLING UNIT**

A building or portion thereof designed for occupancy by one family only, containing a single kitchen, in which members of a family all live and cook together as a single housekeeping unit. Such a building shall not contain separate or segregated internal partitions or locked internal doors barring access between portions of the dwelling, including bedrooms.

**DESIGN REVIEW COMMITTEE (DRC)**

Comprised of three (3) to five (5) Town designated representatives, chaired by the Building Department Commissioner, selected to provide an initial review of the architecture and site design of a proposed development, and make an advisory recommendation to the Building Department stating whether a filed submission should be eligible for exemption from Section 305 procedures.

**FAIR MARKET RENT (FMR)**

Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the HOME rental assistance program.

**HEIGHT**

The vertical distance measured from the mean level of the established center-line grade ("crown of road") of the street adjacent to the building plot to the highest point of the roof deck in the case of flat roofs and to the mean level between the eaves and the highest point of the roof in the case of sloped roofs. Each side of the building shall meet this requirement separately. Roof-mounted solar panels are excluded from the definition of height.

**HOUSEHOLD**

The person who seeks to rent a workforce housing unit, together with any other individual who resides (for more than 30 days per year) in the workforce housing unit, including without limitation, parents, children, spouses, siblings and persons united in a legally recognized civil union.

**ROWHOUSE**

One of a series of houses, typically 2-3 stories, connected by common sidewalls and forming a continuous group. Entry is found directly or close to the front sidewalk, with parking in the rear.

**TOWNHOUSE**

Residential units with multiple floors that mimic a detached home, with a continuous roof and foundation, but are attached in a multi-unit complex, with each unit having its own outside door and parking area/driveway located in the front

**WORKFORCE HOUSING UNIT (WHU)**

A residential unit that is mandated to be constructed under the provisions of this article and to be rented or sold to an eligible individual pursuant to the standards set forth in this article.

**C. Applicability.**

In the Residential Townhouse/Rowhouse (TR) Overlay District, the following regulations shall apply.

- (1) In North Lawrence, the Residential Townhouse/Rowhouse Overlay District applies to any parcel zoned Res-B, Res-C, Res-CA or Bus, located west of Lawrence Avenue, south of Pearl Street, east of Nassau Expressway and north of the Town boundary. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section M (Minimum lot area and street frontage).

In Inwood, the Residential Townhouse/Rowhouse Overlay District applies to any parcel zoned Res-B that has frontage on the north side of Wanser Avenue, between Doughty Boulevard and the Nassau Expressway or on the south side of Wanser Avenue, between Lord Avenue and the Nassau Expressway. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section M (Minimum lot area and street frontage).

- (2) The regulations found in this Article shall govern all development that is fully compliant with the regulations. All other development within the overlay district shall continue to be governed by the regulations governing the existing underlying zoning district.

D. Permitted uses.

A building may be erected, altered or used and a lot or premises may be used for the following purposes, and for no other:

- (1) In the Residential Townhouse/Rowhouse Overlay District the following uses, and no others, shall be permitted:
  - (a) Single-family attached dwellings.

E. Population density.

No multiple-family dwelling shall be erected or altered to accommodate or make provision for more than 15 households per acre.

F. Height.

No building shall be greater than 3 stories or 35 feet in height. "Height" shall be defined as applicable to the Residential Townhouse/Rowhouse Overlay District

G. Building area.

The building area shall not exceed 50% of the lot area.

H. Dwelling unit size.

The minimum dwelling unit size shall be no less than 18 feet in width.

I. Front yards.

- (1) The required front yard setback shall be a minimum of 25 feet for a townhouse and 10 feet for a rowhouse.
- (2) In the case of a corner lot, a front yard setback shall be required on each street.

J. Side yards.

For townhouses, there shall be two (2) side yards, one on each side of the main building, each having a minimum width of at least 10 feet. For rowhouses, there shall be a minimum side yard setback of 30 feet on the side where a driveway is present, and a minimum side yard setback of 10 feet on the opposite side, with a minimum aggregate of 40 feet. Where a driveway is present in the side yard setback, a landscape buffer strip of not less than 5 feet in width shall be maintained.

K. Rear yards.

There shall be a rear yard, the depth of which shall be at least 25 feet for a townhouse, and for a rowhouse there shall be a landscape buffer strip of not less than 10 feet in width along the rear property line.

L. Curb cuts.

For rowhouses, there shall be only one (1) curb cut per each grouping.

M. Minimum lot area, lot depth and street frontage.

No dwelling or other building shall be constructed on a lot unless it contains an area of not less than 12,000 square feet, has a lot depth of no less than 100 feet, and has a minimum street frontage of 125 feet. Corner parcels shall have a minimum total aggregate street frontage of 200 feet.

N. Off-street parking.

Two (2) spaces shall be provided for each dwelling unit on premises, with at least one (1) parking space located in a garage. Parking for townhouses shall be in the front of the building, and parking for rowhouses shall be in the rear of the building.

O. Design guidelines.

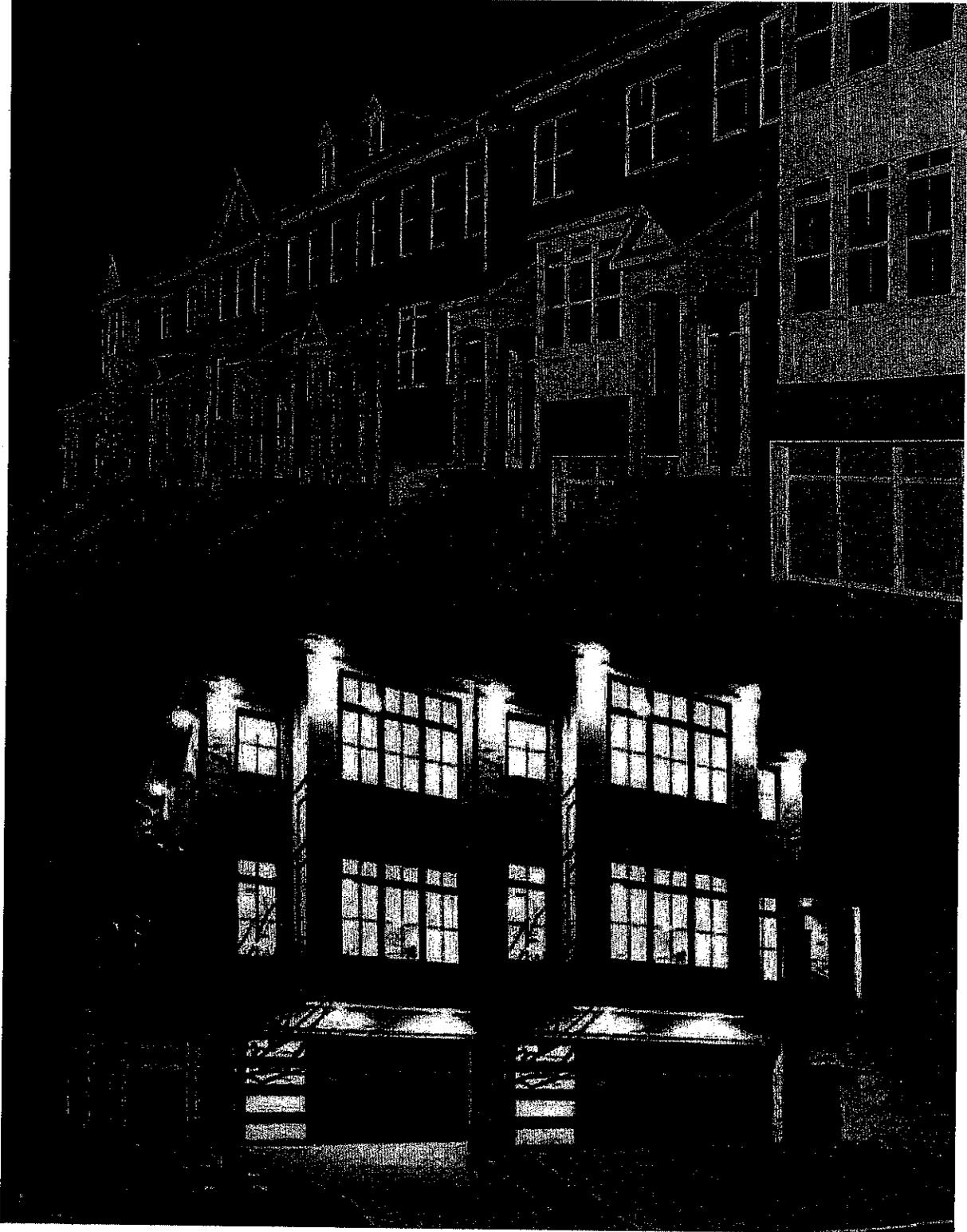
Buildings should foster an appearance of a residential neighborhood. Individual units should have a presence on the street and not be walled-off or oriented inward. Living areas with windows, decks and porches, which overlook common areas and drives, are encouraged.

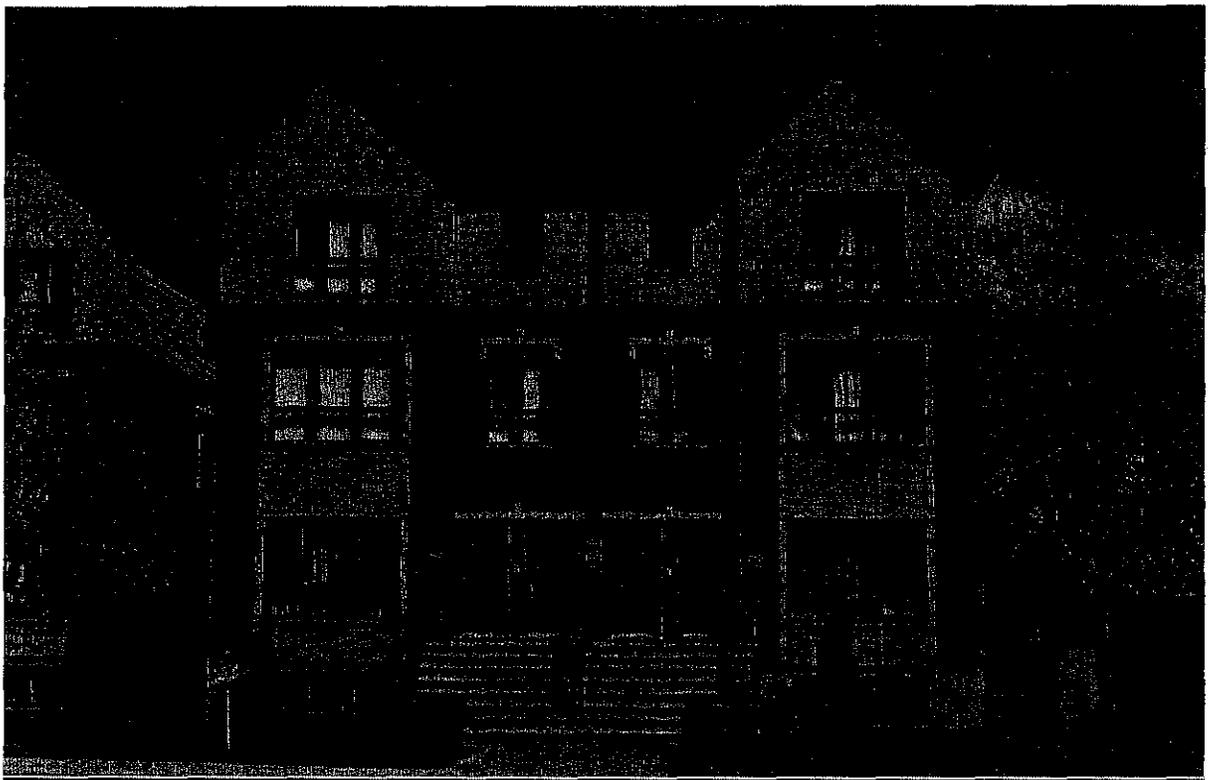
- (1) Building entries. Dwelling entry elements such as stoops and porches should be the predominant façade feature. Entry features should primarily be single-story elements, or incorporated into two story vertical elements to break up the building mass along the street.
- (2) Massing. Massing should typically emphasize individual units. The massing of rowhouses should break the main façade into three or four distinct elements: entry; main façade; a two or three story element and the roof. Front building facades should have step-backs, at or above the second floor (i.e. a smaller footprint for at least one (1) upper level as compared to the footprint of the ground floor). The difference between ground floor and upper floor footprints should be at least ten percent. Basement space, if it is provided, shall not constitute the basis of comparison for upper-floor footprints.
- (3) Articulation. Building facades and roof lines should provide articulation to provide identity for individual units. Long horizontal eaves and roof elements across the façade should be broken up with gables, building projections and articulation. Façade articulation should reflect the rhythm of nearby residential areas with porches, projecting eaves and overhangs, and other architectural elements such as bay windows, chimneys, and porches which provide residential scale and help to break up building mass. Projecting eaves and roof gables should be related to corresponding projections in building masses. Projections should extend beyond main façade, to increase building articulation. On corner lots, side yard facades shall maintain the architectural design quality consistent with the front façade.

- (4) **Rooflines.** Rooflines should emphasize the individual quality of the units. Rooflines should correspond to variations in building massing and articulation with bays, gables, dormers and strong eave elements. Roof elements should be varied to minimize the appearance of mass and bulk. Gable roofs are encouraged to emphasize vertical proportion and create modulation. Roof-mounted solar panels help satisfy the intent of this line item. No requirement in this Code shall preclude the ability to install roof-mounted solar panels or associated equipment. Solar panels are considered to satisfy the requirements herein for roofline variation.
- (5) **Materials.** Building materials are an important component of a quality residential environment and should be used in a consistent and harmonious manner. New rowhouse development should emphasize high-quality durable materials that are harmonious with existing neighborhood development. The massing and articulation of townhouses and rowhouses will have greater emphasis if the elements are differentiated by a change in detail, color or material. Changes in materials generally should not occur on the same plane as this may result in an insubstantial or applied quality. Changes in detail, color, or material should correspond to variations in building mass. "Piecemeal" and frequent changes in materials should be avoided. Although differentiation of units is desired using dramatically different architectural styles from unit to unit within the same development block is generally discouraged. The base (lower band or lower level) of each building should be clearly defined with a heavier material such as brick or stone or with a darker color than the rest of the building.
- (6) **Windows.** Windows are a very important element of building form and should be well organized on a building façade to create a rhythm or pattern. Windows should emphasize vertical massing of individual rowhouse units. Windows should have a hierarchy of sizes emphasizing the function of the living spaces and views while allowing for privacy of neighboring properties. Windows should be well detailed and consistent with the architectural design of the building. Windows should be recessed from the exterior building wall and should be defined by well-designed trims on the exterior. Facades that face streets and open spaces should include windows on upper levels.
- (7) **Side elevations.** Side elevations which face the street should be designed with the same standards as front elevations, including attractive materials, doors and decks.
- (8) **Garage parking.** Townhouses/Rowhouses shall provide at-grade or slightly below grade parking garages for resident parking.

**Recommended Design Styles**

(Note: Color version of photos can be viewed on the Town's website or in person in the Building Department.)





P. Design review and application submission procedures.

Applicants proposing development in the Residential Townhouse/Rowhouse Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

- (1) There shall be a Design Review Committee for purposes of applying the Residential Townhouse/Rowhouse Overlay District Design Guidelines and Site Requirements to perspective application submissions. The DRC has the ability to recommend to the Department of Buildings whether an application has met the criteria to allow it to be eligible for exemption from Section 305 procedures. The DRC shall be governed as follows:
  - (a) The DRC shall be comprised of Town designated representatives (a minimum of three (3) and up to five (5)), chaired by the Commissioner of Buildings, or their appointee. A recommendation from the DRC to the Building Department shall be necessary prior to the submission of building plans for properties located in the Residential Townhouse/Rowhouse Overlay District.
  - (b) After an initial meeting has been scheduled with the DRC, the applicant shall submit the following materials in order for the DRC to provide beneficial comments to the applicant and make a knowledgeable recommendation to the Department of Buildings: conceptual architectural floor plans and color rendered elevations, a conceptual site plan, and a conceptual landscape plan.
  - (c) The DRC shall submit a written recommendation to the Department of Buildings stating whether a filed submission should be eligible for exemption from Section 305 procedures within 30 days of its final meeting with an applicant.
  - (d) If an applicant receives a recommendation from the DRC accepting the proposal, then the Commissioner of Buildings is authorized to waive compliance with Section 305 of this Ordinance to the extent that it might otherwise have complied.
  - (e) In reviewing applications, the DRC shall substantially follow the applicable criteria and design guidelines of Section O, Residential Townhouse/Rowhouse Overlay District, and such other matters as the DRC may deem germane.
- (2) All applications submitted for new construction on properties located in the Residential Townhouse/Rowhouse Overlay District and determined by the Department of Buildings to be compliant with the provisions and guidelines of this article, shall be exempt from Section 305 of the Town Code, which requires a site plan of the property to be submitted to the Town Board for its review and consideration prior to the issuance of a building permit. Approvals from the Town of Hempstead Engineering Department, Highways Department, and Conservation and Waterways Department shall be required prior to the issuance of a building permit.

Q. Workforce housing.

Projects with five (5) or more residential units shall be required to designate 10% or more of the units as affordable to individuals/families earning no more than 100% of Area Median Income (AMI) for the Nassau-Suffolk, NY HUD Metro FMR Area, subject to guidelines, as established by the Town Board.

- (1) All provisions in this section relating to the construction, maintenance and leasing of workforce housing units shall be binding on all successors and assignees of the initial building owner. No certificate of occupancy shall be issued for any building within the Town that is required to contain workforce housing units

unless and until all requisite legal documents to effectuate this, as determined by the Town Attorney, are executed and recorded.

- (2) At the conclusion of the thirty-year period during which the requisite units in a building shall be rented as workforce housing units in accordance with the provisions of this section, such units may thereafter be rented by the building owner at market rates, provided that persons renting and occupying a workforce housing unit shall have an additional period after the conclusion of the thirty-year period to vacate the unit, during which time their rental rate shall remain at the level set in accordance with this section; said additional period shall be six (6) months for persons who have resided in the workforce housing unit for less than four (4) years, and twelve (12) months for persons who have resided in the workforce housing unit for four (4) years or longer. The building owner shall notify every signatory party on a rental agreement of the thirty-year period sunset date and the stipulations of this Code section.

- (3) Financial eligibility.

At the time of the determination of financial eligibility, the current annual gross income of all persons living in the eligible person's household shall not exceed 100% of the median household income of the Nassau-Suffolk NY HUD Metro FMR Area, with adjustments for household size, as defined and periodically updated by the United States Department of Housing and Urban Development (HUD). At the time of application for a workforce housing unit, the applicant may be required to submit a sworn certification attesting to the amount of the household's current annual gross income and, as part of the application process, may also be required to submit documentation to confirm said amount, including but not limited to tax returns and pay stubs.

- (4) Rent level.

The annual rent to be charged for a workforce housing unit by the building owner shall be a maximum of 30% of the combined current annual gross income of all persons living in the eligible person's household.

- (5) Leases.

- (a) Leases for workforce housing units shall be in writing; shall have terms of one (1) or two (2) years; shall provide that the rental costs specified therein to the eligible persons shall be adjusted upon each lease renewal; shall provide for termination and nonrenewal in accordance with the provisions of this article; and shall not have provisions which shall be discriminatory vis-à-vis persons in workforce housing units.
- (b) No lease for a workforce housing unit shall be assignable. No subletting of all or any portion of a workforce housing unit shall be permitted.
- (c) The building owner shall provide the Town annually with a sworn certification that the workforce housing units in the building have been marketed and leased in accordance with the provisions of this section.
- (d) In addition to any other notices required by law, the building owner shall provide written notice to the persons occupying a workforce housing unit of a determination that the lease for a workforce housing unit is not being renewed on the grounds that said person is no longer eligible for a workforce housing unit, together with a written explanation of the basis for the determination of noneligibility; and a determination that the lease for a workforce housing unit is being canceled or terminated for any other reason, together with a written explanation of the basis for the proposed cancellation or termination.

- (6) Application and selection process.

- (a) When workforce housing units shall become available for rental in buildings in the Town pursuant to the provisions of this article, the building owner shall

disseminate information about the availability of workforce housing units by methods reasonably calculated to notify potentially eligible persons. Such notification shall include materially relevant information about the location, size and cost of the workforce housing units to become available; a statement of eligibility guidelines; a description of the application process; a description of the thirty-year sunset date; and contact information to be used by persons interested in obtaining information or submitting an application. The building owner shall provide a copy of such advertising as part of the annually sworn certification for Town review.

- (b) Any person who wishes to apply for a workforce housing unit shall become available shall be required to submit a written application demonstrating eligibility for such units under the standards established by this section and documentation to confirm such eligibility.
- (c) The application of all persons who have submitted a valid and complete application for a workforce housing unit shall be ranked in accordance to the following categories of priority. Residents of the hamlets of North Lawrence and Inwood shall be defined as residing in either Census Tract 4110 or 4111, as defined by the United States Census Bureau.
  - [1] Members of the United States Military (Active or Retired), and are Residents of the hamlets of North Lawrence or Inwood.
  - [2] Volunteer firefighters from the Inwood and Lawrence-Cedarhurst Fire Departments, and are residents of the hamlets of North Lawrence or Inwood.
  - [3] Residents of the hamlets of North Lawrence and Inwood.
  - [4] Members of the United States Military (Active or Retired), and are Residents of the Town of Hempstead.
  - [5] Residents of the Town of Hempstead.
  - [6] Other residents of Nassau County.
  - [7] All others.

Applications received within thirty (30) days of the advertising notice shall then be reviewed, and determination of eligibility made by the building owner, according to the order of ranking.

- (d) In marketing and selecting tenants for workforce housing units in a building, a building owner shall contract with a third-party entity, such as Long Island Housing Partnership (LIHP) or Community Development Corporation of Long Island (CDCLI), who has experience in developing and implementing affirmative marketing plans for affordable/workplace housing as well as performing income eligibility reviews on behalf of the building owner. The third-party entity will also be responsible for ongoing administration and management of the building's workforce housing program.
- (e) A person who has submitted an application for a workforce housing unit shall receive written notice of eligibility or noneligibility within thirty (30) days or at the same time the selected lessee is notified, whichever is later. For persons deemed not eligible, the notification shall include the reasons therefor.
- (f) Absent good cause shown, any person who is selected to rent a workforce housing unit shall be required to sign a lease for the workforce housing unit within 15 days after the unit becomes available for rental and the eligible person has been notified of eligibility (the availability date). The eligible person may also be required by the building owner to deposit all sums due in connection with entering into a lease within 30 days after the availability date, and to commence paying rent for the workforce housing unit as of 60 days after the availability date. If a selected eligible person is unable or fails to

meet these time requirements, then the available workforce housing unit shall be offered to other eligible persons in the order of their ranking in accordance with the provisions of this section.

(7) Loss of eligibility.

- (a) If a person is initially eligible to rent a workforce housing unit, and during such period of eligibility, enters into a lease for a workforce housing unit, but such person subsequently fails to satisfy eligibility standards, then such person's right to continue renting and occupying the workforce housing unit shall end three months after written notice of loss of eligibility is sent to such person, or at the end of such person's current lease, whichever is later. Every lease for a workforce housing unit shall contain a provision stating this. Determinations regarding a loss of eligibility shall be made in accordance with the provisions of this article. Written notice of the loss of eligibility shall be made in accordance with the provisions of this section by the building owner or by the third party handling oversight (e.g. CDCLI or LIHP). Written notice of the loss of eligibility shall be sent by express mail and/or certified mail, return receipt requested, to the persons occupying the workforce housing unit. If the formerly eligible person fails to voluntarily vacate the workforce housing unit at the requisite time, or violates the lease prior to such date, then all appropriate, lawful and available measures shall be used by the building owner to evict such person involuntarily.
- (b) No person who is occupying a workforce housing unit shall be automatically entitled to a renewal lease from the building owner. However, if a renewal lease is not offered by the building owner to an eligible person who continues to satisfy the eligibility requirements of this section, then, for a period of two (2) years after the expiration date of the lease which has not been renewed (the nonrenewed lease), the building owner shall be prohibited from charging a higher rent for the workforce housing unit than that specified in the nonrenewed lease.

(8) Other laws mandating workforce housing.

- (a) In the event that there are other laws or amendments to existing laws which will be or have been enacted by the Town or other governmental authorities (such as New York State or the County) requiring the provision of workforce housing units within the Town, including but not limited to the Long Island Workforce Housing Act, the provisions of this article shall govern, unless they are legally preempted by such other law, to the extent the provisions herein require a greater number of workforce housing units to be provided, or they address issues which are not addressed by such other law.
- (b) The Town Board may, by resolution, adopt such further procedures and regulations as may be necessary to implement and effectuate the construction and leasing of workforce housing units within the Town.

R. Interpretation; conflicts with other regulations.

- (3) In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
- (4) In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

S. Severability.

If any clause, sentence, section, paragraph or provisions of this article shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this article, but shall be confined in its operation to the

clause, sentence, section, paragraph or provisions directly involved in the controversy in which such judgment shall have been rendered.

and, BE IT FURTHER

RESOLVED, that the Town Clerk be and she hereby is directed to publish notice thereof once at least ten (10) days prior to the date set for the public hearing and give written notice to people entitled thereto according to law.

The foregoing resolution was seconded by and adopted upon roll call as follows:

AYES:

NOES:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 16 of the Town Law of the State of New York, as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Village and Town of Hempstead, Hempstead, New York, on the 7<sup>th</sup> day of May, 2019, at 10:30 o'clock in the fore noon of that day, to consider the creation of a new Article XLIII of the Building Zone Ordinance of the Town of Hempstead, in relation to creation of new Transit Oriented Development and Related Districts for North Lawrence and Inwood.

ALL PERSONS INTERESTED in the subject matter will be given an opportunity to be heard with reference thereto at the time and place above-designated.

Dated: Hempstead, New York

April 16, 2019.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

SYLVIA A. CABANA  
Town Clerk

LAURA A. GILLEN  
Supervisor

CASE NO.

RESOLUTION NO.

RESOLUTION CALLING PUBLIC HEARING  
ON APPLICATION OF ALFALFA CARCO, LLC.  
FOR SPECIAL EXCEPTION (PUBLIC GARAGE) AT  
WESTBURY, NEW YORK.

ADOPTED:

offered the following resolution and moved its  
adoption:

RESOLVED, that a public hearing be held May 7,  
2019 at o'clock in the forenoon of that day, in the town  
Meeting Pavilion, Hempstead Town Hall, 1 Washington Street,  
Hempstead, New York, to consider the application of ALFALFA  
CARCO, LLC, for Special Exception (Public Garage) to, to  
renovate the existing one-story, 7,923' building and add  
1,837' addition as a service drive entrance and exit to  
serve as an automotive service and repair facility, with  
related offices in Westbury, New York, and BE IT

FURTHER RESOLVED, that the Town Clerk be and hereby is  
directed to publish notice thereof once at least ten (10)  
days prior to date of hearing in Long Island Business News.

The foregoing resolution was adopted upon roll call as  
follows:

AYES:

NOES:

Item #

39

Case #

30055

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on May 7, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of ALFALFA CARCO, LLC for Special Exception (Public Garage) to renovate the existing one-story, 7,923' building and add 1,837' addition as a service drive entrance and exit to serve as an automotive service and repair facility, with related offices located in Westbury, New York:

A rectangular-shaped parcel of property with a lot size of 62,322' (1.43 acres) and maintains 201.04' of frontage along the easterly property line at Merrick Ave. The lot depth is 310.00' along the northerly and southerly property lines and the westerly lot line is 201.04' the premises is currently improved with one-story, 7,923' building situated in Westbury, Town of Hempstead, County of Nassau, New York.

Maps pertaining to said proposal is on file with the application above mentioned in the Office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, N.Y.

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

Dated: April 16, 2019  
Hempstead, N.Y.

CASE NO.

RESOLUTION NO.

RESOLUTION CALLING PUBLIC HEARING  
ON APPLICATION OF K & R WOODFIELD, LLC.  
FOR SPECIAL EXCEPTION (PUBLIC GARAGE) AT WEST  
HEMPSTEAD, NEW YORK.

ADOPTED:

offered the following resolution and moved its  
adoption:

RESOLVED, that a public hearing be held May 7,  
2019 at o'clock in the forenoon of that day, in the town  
Meeting Pavilion, Hempstead Town Hall, 1 Washington Street,  
Hempstead, New York, to consider the application of K& R  
WOODFIELD, LLC for a Special Exception (Public Garage) to  
construct a one-story masonry addition to the existing  
building which will serve as additional garage space for  
vehicle repairs and maintenance operations located on the  
n/w intersection of Woodfield Rd. & Charles St., 233.71'  
s/of Oakfoard St. situated in HEMPSTEAD, New York, and BE  
IT

FURTHER RESOLVED, that the Town Clerk be and hereby is  
directed to publish notice thereof once at least ten (10)  
days prior to date of hearing in Long Island Business News.

The foregoing resolution was adopted upon roll call as  
follows:

AYES:

NOES:

Item #

40

Case #

21898

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on May 7, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of K&R 630 WOODFIELD, LLC for Special Exception (Public Garage) to construct a one-story masonry addition to the existing building which will serve as additional garage space for vehicle repairs and maintenance operations located on the n/w intersection of Woodfield Rd. & Charles St., 233.71' s/of Oakfoard St. WEST HEMPSTEAD, New York:

A rectangular shaped parcel of property having a lot area of approx. 13'934' & improved with a one(1) story masonry building the premises maintains 125.01' of frontage along the w/si of Woodfield Rd. & 112.14' of frontage along the n/si of Charles St. situated in West Hempstead, Town of Hempstead, County of Nassau, New York.

Maps pertaining to said proposal is on file with the application above mentioned in the Office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, N.Y.

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

Dated: April 16, 2019  
Hempstead, N.Y.

CASE NO.

RESOLUTION NO.

RESOLUTION CALLING PUBLIC HEARING ON APPLICATION OF BOLLA EM REALTY FOR PERMIT TO INCLUDE EXISTING GASOLINE SERVICE STATION WITHIN "GSS" DISTRICT AT FRANKLIN SQUARE, NEW YORK.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLVED, that a public hearing will be held May 21, 2019 at 10:30 o'clock in the forenoon of that day, in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, to consider the application of BOLLA EM REALTY, LLC for a permit to include existing gasoline service station and install two (2) storage tanks, each with a capacity of 12,000 gallons located on the s/w/c Hempstead Tpke. & Scherer Blvd. in FRANKLIN SQUARE, New York, and BE IT

FURTHER RESOLVED, that the Town Clerk be and hereby is directed to publish notice thereof once a week for two successive weeks in Long Island Business News.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

41

Case #

8187

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on May 21, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of BOLLA EM REALTY, LLC for a permit to include existing gasoline service station and install two (2) storage tanks, each with a capacity of 12,000 gallons located on the s/w/c Hempstead Tpke. & Scherer Blvd. in FRANKLIN SQUARE New York:

An irregular shaped parcel located on the s/w/intersection of Hempstead Turnpike and Scherer Blvd. w/frontage on Hempstead Turnpike of 138' & Scherer Blvd. of 97.0' situated in Franklin Square, New York, County of Nassau, State of New York

Maps pertaining to said proposal is on file with the application above mentioned in the office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, NEW YORK.

LAURA A. GILLEN  
SUPERVISOR

SYLVIA A. CABANA  
TOWN CLERK

Dated: April 16, 2019  
Hempstead, N.Y.

CASE NO.

RESOLUTION NO.

RESOLUTING CALLING PUBLIC HEARING ON  
PETITION OF BOLLA EM REALTY, LLC FOR REZONING  
PROPERTY AT FRANKLIN SQUARE, NEW YORK.

ADOPTED:

offered the following resolution and moved its  
adoption:

RESOLVED, that a public hearing be held on May 21, 2019  
at 10:30 o'clock in the forenoon of that day in the Town  
Meeting Pavilion, Hempstead Town hall, 1 Washington Street,  
Hempstead, New York, to consider the application of BOLLA  
EM REALTY, LLC to permit a change of zone for a portion of  
the property the overall property is currently split zoned  
and Residence C ("R-C") and (GSS) in an underlying  
Business ("BUS X") zone to renovate and redevelop the overall  
Property situated in Franklin Square, at New York, and BE  
IT

FURTHER RESOLVED, that the Town Clerk be and hereby is  
directed to publish notice thereof once at least ten (10)  
days prior to date of hearing in Long Island Business News.

The foregoing resolution was adopted upon roll call as  
follows:

AYES:

NOES:

Item #

42

Case #

29945

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 21, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of BOLLA EM, REALTY, LLC. for, BOLLA EM REALTY, LLC to permit a change of zone for a portion of the property the overall property is currently split zoned and Residence C ("R-C") and (GSS) in an underlying Business ("BUS X") zone to renovate and redevelop the overall property situated in Franklin Square New York and BE IT

An irregular shaped parcel located on the s/w/intersection of Hempstead Turnpike and Scherer Blvd. w/frontage on Hempstead Turnpike of 138' & Scherer Blvd. of 97.0' situated in Franklin Square, New York, County of Nassau, State of New York

Maps pertaining to said proposal is on file with the application above mentioned in the office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, NEW YORK.

LAURA A. GILLEN  
SUPERVISOR

SYLVIA A. CABANA  
TOWN CLERK

Dated: April 16, 2019  
Hempstead, N.Y.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 273 of Article 28 of the Building Zone Ordinance of the Town of Hempstead, that a public hearing will be held by the Town Board of said Town on May 21, 2019 at 10:30 o'clock in the forenoon of that day in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, for the purpose of considering the application of ISAIHAH AND EULAH MOULTRIE for rezoning from Residence "B" and Business District to the Urban Residence "C" District on the following described premises at INWOOD, New York:

A rectangular parcel located on the n/w/c of Bayview Ave & Russell Banks Place w/frontage of 157.53' on the n/s/of Bayview Ave. w/frontage of 124.50' on the w/si of Russell Banks Pl. and a second rectangular parcel located on the n/e/c of Bayview Ave. & Russell Banks Pl. w/frontage of 230.12' on the e/si of Russell Banks Pl. w/frontage of 67.13' on the n/si of Bayview Ave. all situated in Inwood, Town of Hempstead, County of Nassau, State of New York.

The above mentioned petition & maps which accompanies it are on file with the undersigned and may be viewed during office hours.

Any person interested in the subject matter will be given an opportunity to be heard with reference thereto at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, N.Y.

LAURA A. GILLEN  
Supervisor

SYLVIA A. CABANA  
Town Clerk

Dated: April 16, 2019  
Hempstead, N.Y.

Item #

43

Case #

30016

CASE NO.

RESOLUTION NO.

RESOLUTING CALLING PUBLIC HEARING ON THE  
APPLICATION OF ISAIHAH AND EULAH MOULTRIE FOR  
REZONING PROPERTY AT INWOOD, NEW YORK.

ADOPTED:

offered the following resolution and moved its  
adoption:

RESOLVED, that a public hearing be held May 21, 2019  
at 10:30 o'clock in the forenoon of that day in the Town  
Meeting Pavilion, Hempstead Town hall, 1 Washington Street,  
Hempstead, New York, to consider the application of ISAIHAH  
AND EULAH MOULTRIE for rezoning from Residence "B" and  
Business District to the Urban Residence "C" District on  
the premises on the n/w c/ of Bayview Ave. & Russell Banks  
Place. situated in INWOOD, New York, and BE IT

FURTHER RESOLVED, that the Town Clerk be and hereby is  
directed to publish notice thereof once at least ten (10)  
days prior to date of hearing in Long Island Business News.

The foregoing resolution was adopted upon roll call as  
follows:

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: PROVISIONAL APPOINTMENT OF  
ASHLEY BEHRENS AS ASSISTANT  
DIRECTOR OF ANIMAL SHELTER AND  
CONTROL, IN THE DEPARTMENT OF  
GENERAL SERVICES, ANIMAL SHELTER  
AND CONTROL DIVISION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that Ashley Behrens be and hereby is appointed  
Assistant Director of Animal Shelter and Control, Competitive, Provisional, Ungraded, at an annual  
salary of \$80,000, in the Department of General Services, Animal Shelter and Control Division, by  
the Commissioner of the Department of General Services and ratified by the Town Board of the  
Town of Hempstead, subject to satisfactory completion of pre-employment criteria, effective  
April 17, 2019.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF TERESA BENTIVEGNA AS OFFICE SERVICES ASSISTANT, IN THE OFFICE OF THE TOWN CLERK, FROM THE CIVIL SERVICE LIST.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Teresa Bentivegna has passed the examination for the position of Office Services Assistant, Civil Service List No. 78-247, and is eligible for appointment thereto, NOW, THEREFORE,  
BE IT

RESOLVED, that Teresa Bentivegna, now serving as Clerk Laborer, Non-Competitive, in the Office of the Town Clerk, be and hereby is appointed Office Services Assistant, Competitive, Permanent, Grade 12, Step 8 (I), \$69,357, from the civil service list, by the Town Clerk and ratified by the Town Board of the Town of Hempstead effective April 17, 2019  
and BE IT

FURTHER RESOLVED, that subject appointment is probationary for twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: SALARY ADJUSTMENT FOR GREGORY COLAROSSO, MESSENGER, IN THE DEPARTMENT OF GENERAL SERVICES, ADMINISTRATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that the annual salary for Gregory Colarossi, Messenger, in the Department of General Services, Administration, be and hereby is increased to \$66,050, Ungraded, by the Commissioner of the Department of General Services and ratified by the Town Board of the Town of Hempstead effective April 17, 2019.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF CARY COOK AS  
RECYCLING WORKER I, IN THE  
DEPARTMENT OF SANITATION.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that Cary Cook, now serving as Laborer II, in the  
Department of Sanitation, be and hereby is appointed Recycling Worker I, Labor Class, Grade 10,  
Step 8 (I), \$65,422, in the Department of Sanitation, by the Commissioner of the Department of  
Sanitation and ratified by the Town Board of the Town of Hempstead effective April 17, 2019, and  
BE IT

FURTHER RESOLVED, that subject appointment is probationary for  
twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be  
terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF CHRISTOPHER DONAHUE  
AS CLERK LABORER, IN THE DEPARTMENT  
OF WATER.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that Christopher Donahue, now serving as Laborer I, in the Department of Water, be and hereby is appointed Clerk Laborer, Non Competitive, Grade 9, Step 13 (N), with no change in salary, in the Department of Water, by the Commissioner of the Department of Water and ratified by the Town Board of the Town of Hempstead effective April 17, 2019, and BE IT

FURTHER RESOLVED, that subject appointment is probationary for twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: REINSTATEMENT OF BRET DOREMUS  
AS RECYCLING WORKER II, IN THE  
DEPARTMENT OF SANITATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that Bret Doremus be and hereby is reinstated as Recycling Worker II, Non Competitive, Grade 12, Step 12 (M), \$81,555, in the Department of Sanitation, by the Commissioner of the Department of Sanitation and ratified by the Town Board of the Town of Hempstead effective April 17, 2019.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: TRANSFER OF JEROME FURIA, LABOR CREW CHIEF I, FROM THE DEPARTMENT OF SANITATION TO THE DEPARTMENT OF PARKS AND RECREATION.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that Jerome Furia, Labor Crew Chief I, be and hereby is transferred from the Department of Sanitation to the Department of Parks and Recreation, with no change in salary, by the Commissioner of the Department of Parks and Recreation and ratified by the Town Board of the Town of Hempstead effective April 17, 2019 and BE IT

FURTHER RESOLVED, that subject appointment is probationary for twelve weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF ASHLEY LIPINSKY AS  
OFFICE SERVICES ASSISTANT, IN THE  
OFFICE OF THE CIVIL SERVICE COMMISSION  
FROM THE CIVIL SERVICE LIST.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Ashley Lipinsky has passed the examination for the position of Office Services Assistant, Civil Service List No. 63-535, and is eligible for appointment thereto, NOW,  
THEREFORE, BE IT.

RESOLVED, that Ashley Lipinsky be and hereby is appointed Office Services Assistant, Competitive, Permanent, Grade 12, Start Step (A), \$45,472, in the Office of the Civil Service Commission, from the civil service list, by the Executive Director of the Civil Service Commission and ratified by the Town Board of the Town of Hempstead effective April 24, 2019 and BE IT

FURTHER RESOLVED, that subject appointment is probationary for twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: SALARY ADJUSTMENT FOR BRYAN MADDEN,  
LABORER I, IN THE DEPARTMENT OF PARKS  
AND RECREATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that the annual salary for Bryan Madden, Laborer I, in the Department of Parks and Recreation, be and hereby is increased to Grade 9, Step 4 (E), \$51,636, by the Commissioner of the Department of Parks and Recreation and ratified by the Town Board of the Town of Hempstead effective April 17, 2019.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF CELESTE MCMILLAN  
DAVIS AS OFFICE SERVICES ASSISTANT, IN  
THE DEPARTMENT OF SANITATION, FROM  
THE CIVIL SERVICE LIST.

On motion made by

the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Celeste McMillan Davis has passed the examination for the position of Office Services Assistant, Civil Service List No. 78-247, and is eligible for appointment thereto, NOW, THEREFORE, BE IT

RESOLVED, that Celeste McMillan Davis, now serving as Receptionist, Non-Competitive, in the Department of Sanitation, be and hereby is appointed Office Services Assistant, Competitive, Permanent, Grade 12, Step 5 (F), \$58,017, from the civil service list, by the Commissioner of the Department of Sanitation and ratified by the Town Board of the Town of Hempstead effective April 17, 2019 and BE IT

FURTHER RESOLVED, that subject appointment is probationary for twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: SALARY ADJUSTMENT FOR KYLE MEEGAN,  
DEPUTY COMMISSIONER, DEPARTMENT OF  
PARKS AND RECREATION, IN THE  
DEPARTMENT OF PARKS AND RECREATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that the annual salary for Kyle Meegan, Deputy Commissioner, Department of Parks and Recreation, in the Department of Parks and Recreation, be and hereby is increased to \$115,000, Ungraded, by the Commissioner of the Department of Parks and Recreation and ratified by the Town Board of the Town of Hempstead effective April 17, 2019.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF JOSEPH PATINO AS  
OFFICE SERVICES ASSISTANT, IN THE  
OFFICE OF THE RECEIVER OF TAXES, FROM  
THE CIVIL SERVICE LIST.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Joseph Patino has passed the examination for the position of Office Services Assistant, Civil Service List No. 78-247, and is eligible for appointment thereto, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Patino, now serving as Clerk Laborer, Non-Competitive, in the Office of the Receiver of Taxes, be and hereby is appointed Office Services Assistant, Competitive, Permanent, Grade 12, Step 8 (I), \$69,357, from the civil service list, by the Receiver of Taxes and ratified by the Town Board of the Town of Hempstead effective April 17, 2019 and BE IT

FURTHER RESOLVED, that subject appointment is probationary for twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF DEBRA PUGLIESE AS  
DEPUTY COMMISSIONER, DEPARTMENT  
OF SENIOR ENRICHMENT, IN THE  
DEPARTMENT OF SENIOR ENRICHMENT.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, Debra Pugliese has resigned her position as Legislative  
Aide, in the Office of the Town Board, Councilmanic District #3, NOW, BE IT

RESOLVED, that Debra Pugliese be and hereby is appointed  
Deputy Commissioner, Department of Senior Enrichment, Exempt, Ungraded, at an annual salary  
of \$81,000, in the Department of Senior Enrichment, by the Commissioner of the Department of  
Senior Enrichment and ratified by the Town Board of the Town of Hempstead effective  
April 17, 2019 and BE IT

FURTHER RESOLVED, that subject appointment is probationary  
for twenty-six weeks and should candidate prove unsatisfactory during this period, said  
appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF KERSTIN SCHRAM AS  
CLERK I, IN THE OFFICE OF THE TOWN  
COMPTROLLER, FROM THE CIVIL SERVICE  
LIST.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Kerstin Schram has passed the examination for the position of Clerk I, Civil Service List No. DCP-81, and is eligible for appointment thereto, NOW, THEREFORE, BE IT

RESOLVED, that Kerstin Schram, now serving as Office Aide, in the Office of the Town Comptroller, be and hereby is appointed Clerk I, Competitive, Permanent, Grade 3, Step 8 (I), \$54,370, from the civil service list, in the Office of the Town Comptroller, by the Town Comptroller and ratified by the Town Board of the Town of Hempstead effective April 17, 2019 and  
BE IT

FURTHER RESOLVED, that subject appointment is probationary for twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: SALARY ADJUSTMENT FOR GARY SPITZ,  
ENGINEERING HELPER, IN THE DEPARTMENT  
OF PARKS AND RECREATION.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that the annual salary for Gary Spitz, Engineering Helper, in  
the Department of Parks and Recreation, be and hereby is increased to \$90,805, Ungraded, by the  
Commissioner of the Department of Parks and Recreation and ratified by the Town Board of the Town  
of Hempstead effective April 17, 2019.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: SALARY ADJUSTMENT FOR CRAIG  
STALLONE, LABORER I, IN THE DEPARTMENT  
OF PARKS AND RECREATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that the annual salary for Craig Stallone, Laborer I, in the Department of Parks and Recreation, be and hereby is increased to Grade 9, Step 12 (M), \$74,339, by the Commissioner of the Department of Parks and Recreation and ratified by the Town Board of the Town of Hempstead effective April 17, 2019.

AYES:

NOES:

4/16/2019

In addition there are (5) Five Resolutions for various types of Leaves of Absence.